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PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
AND  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant : David Allison Bennett, et al.  
Application No. : 09/684,866  
Filed : October 6, 2000  
Title : Apparatus, Systems and Methods For Online, Multi-Carrier, Multi-Service Parcel Shipping Management  
Grp./Div. : 3629  
Examiner : Jamiesue A. Plucinski  
Docket No. : PSTM0038/MRK/STM

**APPEAL BRIEF TRANSMITTAL LETTER**

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312  
Pasadena, CA 91101  
December 7, 2007

Commissioner:

Attached are the following:

1. FY 2007 Fee Transmittal (in duplicate);
2. Check Number 2431 for the amount of \$630.00 to cover the Appeal Brief filing Fee and the One Month Extension fee;
3. Petition for Extension of Time for One Month (in duplicate);
4. Statement Under 37 C.F.R. §3.73(b) by Real Party in Interest STAMPS.COM INC.;
5. Statement Under 37 C.F.R. §3.73(b) by Real Party in Interest ISHIP INC.;
6. Appeal Brief, including Claims Appendix, Evidence Appendix and Related Proceedings Appendix, (Total 270 pages); and ~~DEC 17 2007 CHL 641 00000004 09564866~~
7. Return post card. ~~DEC 17 2007~~ ~~510.00 00~~

The requisite fee set forth in 37 C.F.R. §41.20(b)(1) for filing a Notice of Appeal was presented with the filing of the Notice of Appeal, which is recorded on the U.S.

Patent and Trademark Office PAIR System as having been received on September 7, 2007.

The requisite fee set forth in 37 C.F.R. §41.20(b)(2) for filing this Appeal Brief is presented herewith.

A Petition for an Extension of Time for one month and the corresponding fee are filed concurrently herewith. Under 37 CFR §41.37 and in accordance with MPEP §1205.01, the two-month period in which an Appeal Brief could be filed without extension, ended on November 7, 2007. A Petition for an Extension of Time for one month and the corresponding fee are filed concurrently herewith to extend the time in which to file the Appeal Brief until December 7, 2007 in accordance with 37 CFR §§41.37(e) and 1.136. It is respectfully submitted that this Appeal Brief is timely filed within the one-month extension period under 37 C.F.R. §§ 41.37(e), and 1.136, because it is filed before the expiration of December 7, 2007.

Even so, the Commissioner is hereby authorized, pursuant to 37 CFR 1.136(a)(3), to treat any concurrent or future reply or correspondence for the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a constructive petition for extension of time for the appropriate length of time. The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17, including any required extension fees, which may be required during the **pendency** of this application, to Deposit Account No. 501574. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,  
KHORSANDI PATENT LAW GROUP, ALC

By Marilyn R. Khorsandi 12/7/07  
Marilyn R. Khorsandi  
Reg. No. 45,744  
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626/796-2856

MRK/aa  
Enclosures

DEC-03-2007 11:29

Khorsandi Patent Law

626 796 2864 P.02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
AND  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES


Applicant(s): David Allison Bennett, et al.	Technology Center: 3600
Serial No.: 09/884,888	Group Art Unit: 3629
Filed: October 6, 2000	Examiner: Plucinski, Jamisue A.
Title: APPARATUS, SYSTEMS AND METHODS FOR ONLINE, MULTI-CARRIER, MULTI-SERVICE PARCEL SHIPPING MANAGEMENT	
Attorney Docket No.: PSTM0038/MRK/STM	

STATEMENT UNDER 37 C.F.R. §3.73(b)

STAMPS.COM INC. is the owner of an undivided whole interest in common with ISHIP INC. in the instant application. Documentary evidence of the chain of title in accordance with 37 C.F.R. 3.73 (b)(1)(ii) is recorded: 1.) in an Assignment of the entire right, title and interest from the inventors named in the instant application to STAMPS.COM INC. as recorded by the Assignment Division of the United States Patent and Trademark Office on March 13, 2001 on Reel No. 011630 and Frame No. 0450 and 2.) in a subsequent Intellectual Property Joint Ownership Agreement Notice of Assignment identifying both STAMPS.COM INC. and ISHIP INC. as Assignees of an undivided whole interest in common in all rights title and interest in and to the instant application as recorded by the Assignment Division of the United States Patent and Trademark Office on March 26, 2004 on Reel No. 014466 and Frame No. 0275.

The undersigned is empowered to act on behalf of STAMPS.COM INC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Signature

SETH WEISBERG

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310 482 5808

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Dec. 3, 2007  
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Date

VP + GENERAL COUNSEL

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Title



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
AND  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s): David Allison Bennett, et al.	Technology Center: 3600
Serial No.: 09/684,866	Group Art Unit: 3629
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The undersigned is empowered to act on behalf of ISHIP INC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature

W. Tim Davis

Typed or printed name

858-882-5766

Telephone Number

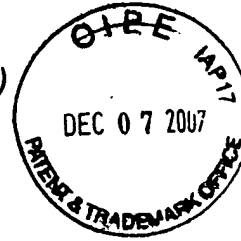
Date

09/13/07  
General Manager

Title

**CLAIMS APPENDIX (37 C.F.R. §41.37(c)(1)(viii) heading)**

**(Double-Spaced as required by MPEP §1205.02)**



**THE CLAIMS ON APPEAL ARE THE PENDING CLAIMS AFTER THE AMENDMENT AND RESPONSE FILED FEBRUARY 28, 2007 IN RESPONSE TO THE OFFICE ACTION DATED NOVEMBER 30, 2006, AND ARE AS FOLLOWS:**

12. A shipping management computer system that is programmed for:  
collecting from a second user, a request that a first user ship a particular parcel from the first user to the second user;

according to the request by the second user, collecting, from the first user via a first computer device, a set of information comprising: (A) parcel specifications for shipping the particular parcel to the second user, (B) an origin address associated with the particular parcel, and (C) shipping preferences for shipping the particular parcel to the second user;

collecting, from the second user via a second computer device, a set of recipient information comprising: (A) a destination address for the second user to which the particular parcel is to be shipped from the first user, (B) an identification of a carrier to be used in shipping the package to the second user, and (C) a delivery service by which the carrier is to ship the package to the second user;

calculating a shipping rate to be charged for having the carrier ship the particular parcel from the origin address to the destination address via the delivery service; and

displaying the shipping rate to a display device selected from a group consisting of: (A) a first display device that is in communication with the first computer device, and (B) a second display device that is in communication with the second computer device, wherein:

said shipping rate is calculated according to:

- (A) the parcel specifications and the origin address input by the first user, and
- (B) the destination address, the selection of the carrier, and the selection of the delivery service input by the second user.

27. A shipping management computer system comprising at least one computer device, wherein said shipping management computer system is programmed to, for each particular respective parcel of a plurality of parcels:

(A) receive from a particular user:

1) an indication of a selection of a default shipping location associated with the particular user, wherein said default shipping location comprises an identification of a location to which the particular user will drop off parcels to be shipped, and wherein the default shipping location is selected from a plurality of default shipping location alternatives; and

2) a set of parcel specifications for the particular parcel;

(B) for each respective carrier of a plurality of carriers, apply a respective set of carrier-specific shipping location rules to the default shipping location to determine

which of said plurality of carriers would support shipping the particular parcel from the default shipping location; and

(C) generate a display that includes a listing of each of the plurality of carriers that would support shipping the particular parcel from the default shipping location, wherein:

said shipping management computer system is configured for access by a plurality of users, and

each of said plurality of users accesses said shipping management computer system via a global communications network using a respective user client computer device.

30. A shipping management computer system comprising at least one computer device, wherein said shipping management computer system is programmed for:

(A) receiving a set of parcel specifications for a particular parcel to be shipped by a first user to a second user, said set of parcel specifications comprising:

(1) an origin address, and

(2) at least one of:

a parcel type,

a set of parcel dimensions,

a package weight, or

a value of the particular parcel,

(B) receiving a set of recipient information for a delivery of the particular parcel to the second user, said set of recipient information comprising:

(1) a delivery address to which the particular parcel is to be delivered,

(2) a delivery service by which the particular parcel is to be delivered to the delivery address, and

(3) a carrier that is to deliver the particular parcel to the delivery address;

(C) calculating a shipping rate for shipping the particular parcel from the origin address to the delivery address via said delivery service and said carrier, wherein said computer system is configured to calculate the shipping rate according to at least: (1) said parcel specifications; (2) said delivery address; (3) said delivery service; and (4) said carrier; and

(D) displaying the shipping rate to at least one display device selected from a group consisting of: (1) a first display device in communication with a first user client computer device, and (2) a second display device in communication with a second user client computer device, wherein:

said set of parcel specifications is input by the first user via the first user client computer device,

said first user accesses the shipping management computer system via a global communications network using the first user client computer device,

said set of recipient information is input by the second user via the second user client computer device, and



said second user accesses the shipping management computer system via the global communications network using the second user client computer device.

31. A server-based shipping management computer system comprising at least one computer device, wherein said server-based shipping management computer system is programmed to:

(A) communicate with a plurality of client computer devices via a global communications network;

(B) for each of said plurality of client computer devices:

(1) send executable program instructions to the client computer device to:

(a) instruct the client computer device to recognize a measured weight of a particular parcel, said weight being measured by a digital scale configured with the client computer device, and

(b) instruct the client computer device to communicate the measured weight to the shipping management computer system via the global communications network;

(3) receive the measured weight communicated by the user client computer device;

(4) calculate at least one shipping rate for shipping the parcel according to at least the measured weight; and

(5) display the shipping rate to a display device in communication with the client computer device.

33. A shipping management computer system, said shipping management computer system programmed for:

communicating remotely with a plurality of user client computer devices via a network communications protocol; and

for each of said client computer devices:

(A) receiving a request, from a user associated with the client computer device, to ship a particular parcel, wherein said request comprises:

(1) an origin identifier corresponding to a location from which the particular parcel is to be shipped,

(2) a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped, and

(3) a set of parcel specifications for the particular parcel;

(B) identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications;

(C) for each particular one of said plurality of carriers:

(1) calculating a shipping rate that said particular carrier would charge to

deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications, and

(2) calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications; and

(D) displaying, to a display device configured with the client computer device, a simultaneous preview of each shipping rate calculated in Step (C) above.

34. A shipping management computer system that is programmed for:

communicating remotely with a plurality of user client computer devices via a network communications protocol;

for each of said plurality of client computer devices:

(A) receiving, from a user associated with the client computer device, a request to ship a particular parcel, wherein said request comprises:

(1) an origin identifier corresponding to a location from which the particular parcel is to be shipped,

(2) a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped, and

(3) a set of parcel specifications for the particular parcel;

(B) identifying a plurality of carriers that would support shipping the respective

parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications;

(C) for each particular one of said plurality of carriers:

(1) calculating a first service-specific, carrier-specific shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and a set of rules for the first delivery service, and

(2) calculating a second service-specific, carrier-specific shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and a set of rules for the second delivery service; and

(D) displaying, to a display device configured with the client computer device, a simultaneous online comparison comprising each service-specific, carrier specific shipping rate calculated in Step (C) above.

35. A shipping management computer system that is programmed for:  
communicating remotely with a plurality of user client computer devices via a network communications protocol;

for each of said client computer devices:

(A) receiving a request, from a user associated with said client computer device,

to ship a particular parcel, wherein said request comprises:

- (1) an origin identifier corresponding to a location from which the particular parcel is to be shipped,
- (2) a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped, and
- (3) a set of parcel specifications for the particular parcel;

(B) identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications;

(C) for each particular one of said plurality of carriers:

(1) determining a first service-specific, carrier-specific delivery schedule according to which said particular carrier would deliver said particular parcel via a first delivery service, said shipping management computer system being configured to determine said first service-specific, carrier-specific delivery schedule according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and at least one service-specific, carrier specific delivery schedule rule associated with said first delivery service, and

(2) determining a second service-specific, carrier-specific delivery schedule according to which said particular carrier would deliver said particular parcel via a second delivery service, said shipping management computer system being configured to determine said second service-

specific, carrier-specific delivery schedule according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and at least one service-specific, carrier-specific delivery schedule rule associated with said second delivery service; and

(D) displaying, to a display device configured with the client computer device, a simultaneous online comparison comprising each service-specific, carrier specific delivery schedule determined in Step (C) above.

36. A shipping management computer system that is programmed for:

(A) communicating remotely with a plurality of user client computer devices via a network communications protocol; and

(B) for each of said user client computer devices:

(1) receiving, from the user client computer device, a request to ship a particular parcel, said request including a request that a delivery notification service be implemented in association with the shipment of the particular parcel; and

(2) in response to said request:

(a) for each carrier-specific delivery service offered by each respective carrier of a plurality of carriers, determine whether the respective carrier-specific delivery service would provide delivery notification for delivering the particular parcel, and

(b) displaying to a display device configured with the client

computer device, an identification of each carrier-specific delivery service of each respective carrier of the plurality of carriers that would provide the delivery notification service.

42. A shipping management computer system that is programmed for:

(A) communicating remotely with a plurality of user client computer devices via a network communications protocol;

(B) for each of said client computer devices:

(1) receiving a request, from a user associated with said client computer device, to ship a particular parcel, wherein said request comprises:

(a) an origin identifier corresponding to a location from which the particular parcel is to be shipped;

(b) a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped; and

(c) a set of parcel specifications for the particular parcel;

(2) identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications;

(3) for each particular one of said plurality of carriers:

(a) calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination

identifier, and the set of parcel specifications, and

(b) calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications; and

(C) displaying to a display device configured with the client computer device, a simultaneous online comparison comprising each respective shipping rate determined in Step (3) above, wherein:

each of said respective shipping rates corresponds to a particular respective service offered by a particular respective carrier for delivering the respective parcel by a particular time on a particular day.

44. An online interactive shipping management computer system that is programmed for:

receiving a set of data input by a particular user via a particular remote user client computer device, wherein the set of data input comprises at least one data item selected from the group consisting of: a set of parcel specifications for a particular parcel, and a set of shipping specifications for shipping the particular parcel, wherein the set of shipping specifications comprises an origin identifier and a destination identifier;

determining a set of rating and scheduling information in response to the set of data;



generating a displayable interactive user interface adapted for displaying the rating and scheduling information, wherein the displayable interactive user interface comprises:

- (A) at least one data collection field initialized with a data item from the set of data input by the particular user;
- (B) the set of rating and scheduling information; and
- (C) an executable set of instructions for regenerating the interactive user interface display in response to a user modification of data in the at least one data collection field.

45. The online interactive shipping management computer system of Claim 44, wherein:

said online interactive shipping management computer system is further programmed to distribute the displayable interactive user interface to the particular remote user client computer device.

49. A shipping management computer system that is programmed for:

- (A) communicating with a plurality of remote client computer devices;
- (B) for each particular one of said plurality of remote client computer devices:
  - (1) receiving a request, via said particular remote client computer device, to ship a particular parcel, said request comprising a set of parcel characteristics;

(2) using said set of parcel characteristics and a first set of carrier-specific weight calculation rules to derive a first carrier-specific ratable weight for said particular parcel;

(3) using said set of parcel characteristics and a second set of carrier-specific weight calculation rules to derive a second carrier-specific ratable weight for said particular parcel;

(4) using said first carrier-specific ratable weight to determine whether a first carrier would support shipping the particular parcel, and, if the first carrier would support shipping the particular parcel, calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by the first carrier and calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by the first carrier;

(5) using said second carrier-specific ratable weight to determine whether a second carrier would support shipping the particular parcel, and, if the second carrier would support shipping the particular parcel, calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by the second carrier and calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by the second carrier;

(6) displaying to a display device in communication with the remote client computer device, a simultaneous cross-comparison of the first, second, third and fourth service-specific, carrier specific shipping rates.

50. A shipping management computer system, that is programmed for:

(A) communicating with a plurality of user client computer devices via a network communications protocol;

(B) for each of said plurality of user client computer devices:

(1) receiving a request, via said client computer device, to ship a particular parcel, said request comprising:

(a) an origin postal code for said particular parcel,

(b) a destination postal code for said particular parcel,

and

(c) a respective set of parcel specifications for the particular parcel;

(2) in response to receiving the request:

(a) determining a first carrier-specific origin rating zone identifier that a first carrier would associate with the origin postal code;

(b) determining a second carrier-specific origin rating zone identifier that a second carrier would associate with the origin postal code;

(c) determining a first carrier-specific destination rating zone identifier that said first carrier would associate with the destination postal code;

(d) determining a second carrier-specific destination rating zone identifier that said second carrier would associate with the destination postal code;

(e) calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by said first carrier according to at least the first carrier-specific origin rating zone, the first carrier-specific destination rating zone, and the set of parcel specifications;

(f) calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by said first carrier according to at least the first carrier-specific origin rating zone, the first carrier-specific destination rating zone, and the set of parcel specifications;

(g) calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by said second carrier according to at least the second carrier-specific origin rating zone, the second carrier-specific destination rating zone, and the set of parcel specifications; and

(h) calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by said second carrier according to at least the second carrier-specific origin rating zone, the

second carrier-specific destination rating zone, and the set of parcel specifications.

**EVIDENCE APPENDIX (37 C.F.R. §41.37(c)(1)(ix) heading)**



A copy of Nicholls et al. (U.S. Patent No. 5,485,369; "Nicholls") as relied on in the final Office Action dated May 21, 2007 is attached hereto.

A copy of Kara (U.S. Patent No. 6,233,568; "Kara") as relied on in the final Office Action dated May 21, 2007 is attached hereto.

A copy of Kara et al. (PCT Publication No. WO 99/21330, "Kara II") as relied on in the final Office Action dated May 21, 2007 is attached hereto.

A copy of Thiel (U.S. Patent No. 5,699,258; "Thiel") as relied on in the final Office Action dated May 21, 2007 is attached hereto.

A copy of Fisher et al. (U.S. Patent No. 6,047,264; "Fisher") as relied on in the final Office Action dated May 21, 2007 is attached hereto.

PCT

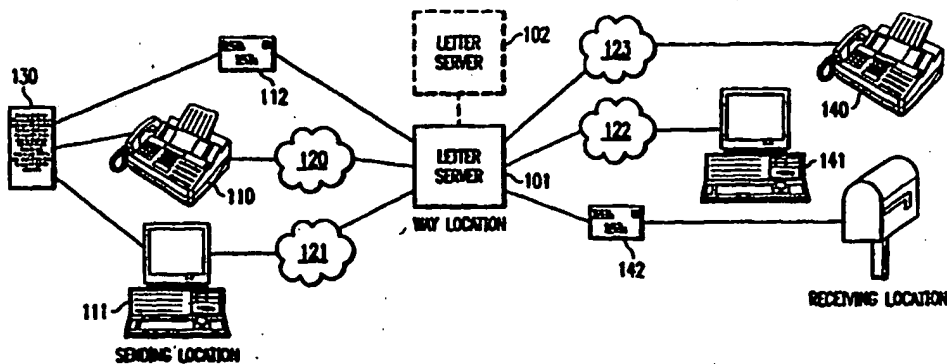
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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(21) International Application Number: PCT/US98/21946		(81) Designated States: AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, GH, GM, HR, HU, ID, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).	
(22) International Filing Date: 16 October 1998 (16.10.98)		<p>Published</p> <p><i>With international search report.</i></p> <p><i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i></p>	
(30) Priority Data: 08/953,477 17 October 1997 (17.10.97) US			
(71) Applicant: E-STAMP CORPORATION [US/US]; Suite 225, 4009 Miranda Avenue, Palo Alto, CA 94304 (US).			
(72) Inventors: KARA, Salim, G.; 17 Bayview Forest Lane, Markham, Ontario L3T 7S4 (CA). PAGEL, Martin, J.; 8515 N.E. 124th Street, Kirkland, WA 98034 (US).			
(74) Agents: TANNENBAUM, David, H. et al.; Fulbright & Jaworski L.L.P., Suite 2800, 2200 Ross Avenue, Dallas, TX 75201 (US).			

(54) Title: POSTAGE SERVER SYSTEM AND METHOD



(57) Abstract

A system and method for transmission of a document from a sending location to a receiving location by way of a trusted way location is disclosed. A selected document is physically or electronically transmitted by a sending location to a letter server operated by a delivery service. A confirmation of transmission of the document is provided to the sender by the delivery service. Thereafter, the letter server reproduces the document in original quality, accompanied by any necessary items such as a delivery container and/or delivery instructions. The delivery service then delivers the reproduced document such as through electronic delivery or inducing the reproduced document into its delivery paradigm for physical delivery to the indicated recipient.

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**POSTAGE SERVER SYSTEM AND METHOD****RELATED APPLICATIONS**

Reference is hereby made to the following co-pending and commonly assigned U.S. Patent applications: SYSTEM AND METHOD FOR CONTROLLING THE DISPENSING OF AN AUTHENTICATING INDICIA, Serial No. 08/812,803; SYSTEM AND METHOD FOR CONTROLLING THE STORAGE OF DATA WITHIN A PORTABLE MEMORY, Serial No. 08/515,988; SYSTEM AND METHOD FOR PRINTING POSTAGE INDICIA DIRECTLY ON DOCUMENTS, Serial No. 08/561,417; and METHOD AND SYSTEM FOR ELECTRONIC DOCUMENT CERTIFICATION, Serial No. 08/711,080; the disclosures of which applications are incorporated herein by reference.

**TECHNICAL FIELD OF THE INVENTION**

This invention relates to electronic document transfer systems and methods and more particularly to a system and method which provides for the electronic transmission of documents and their subsequent printing and delivery in physical form.

### BACKGROUND OF THE INVENTION

During the past decade the sending of documents from one location to another in electronic (soft) form has become common place. Initially facsimile (FAX) began to replace hard delivery of documents and now electronic mail (e-mail) and other forms of electronic transfer are becoming popular. Such electronic document transmission has the advantage of transmitting large amounts of information across large physical expanses almost instantaneously.

However, such electronic transmissions are not without their short comings. For example, an obvious problem with point to point electronic transmission of documents is the necessity for compatible equipment having particular functionality at both the sending and receiving locations. Issues with respect to the ability to communicate between various configurations of communication equipment have become less pronounced in recent years, however there still remains the need for the sending and receiving locations to possess electronic document processing systems capable of meaningful data communication.

Additionally, there remains the need for the system from which the document is transferred to have the capability to accept the document to be transferred in whatever form it exists and to convert this to the electronic data stream ultimately transferred. Likewise, there is a need for the system to which the document is transferred to possess the capability to reproduce, either through electronic display or physical printing, the transferred document. Where graphical images, as opposed to textual messages, or large or otherwise complicated documents are transferred, the capability to reproduce such documents may easily exceed the capability of a typical present day communication system.

A more subtle problem with point to point transmission of electronic documents today is confirmation of a successful transfer between the sending site and the receiving site. Often current day transmission systems, such as e-mail through such systems as the Internet, report successful transmission of a document, but do not

provide confirmation of receipt of the document. This can require an additional step by the sender such as communication via other means to independently confirm that the document was received by the intended system. Furthermore, often documents are transmitted to hostile or adverse parties in order to preserve legal rights etcetera. In such circumstances it is not uncommon for these parties to be less than forthright with information regarding the receipt of the document.

Ancillary to this problem is the fact that there is little or no physical proof of transmission of the document, if later circumstances require proof that the document was in fact transferred. For example, typically there is no independent third party to confirm that indeed a document was transferred. Likewise there is no physical proof of receipt of the document by the receiving party. Such lack of a "paper trail" with respect to the transmission of a document renders electronic transfer undesirable for some documents, such as legal documents or the like, where proof of transmission and/or receipt is necessary.

Furthermore, as electronic document transfer is relatively new to the typical office infrastructure, there are not always reliable procedures in place at the receiving location to insure its proper handling. For example, as physical delivery of documents as mail by a postal authority is very old, businesses and the like have instituted infrastructure in the form of policies and procedures to ensure its proper handling from receipt at the business to its ultimate delivery to the intended, or appropriate, individual. However, electronic transmission of documents often short circuit this infrastructure and avoid proper internal handling, such as docketing or otherwise associating the document with related information.

Moreover, once provided a simple public gateway from which to receive electronic documents from the public at large, such as the Internet, businesses are often overwhelmed with the increase in incoming documents. For example, because such electronic gateways are often very inexpensive or even free for the public to communicate documents directly to a recipient, i.e., the above described businesses,

often recipients are the target of a number of unsolicited and even undesired communications. It is not unheard of for a particularly upset individual to automate a document transmission system in order to flood a recipient with communications which, at the least, require the separation of these documents from those of importance to the recipient. In worst case scenarios, such efforts have lead to the recipients electronic document system reaching capacity and thus being unavailable to receive desired and even necessary messages.

A need therefore exists in the art of document transfer for establishing a system and method for providing the speed of transmission of electronic documents with the advantages of independent third party receipt and/or delivery of documents.

Another need exists in the art for providing a robust receiving system capable of accepting electronic document transfer from a wide variety of transmission systems. Similarly, a need exists for this receiving system to provide for the physical reproduction of complex and lengthy transmitted documents such that most forms of text as well as precise graphical images may be reproduced on a variety of media sizes.

A further need exists in the art of document transfer for providing a means by which a designated recipient of an electronic document may selectively accept electronic documents, or otherwise discourage unwanted document transmissions, without undesirably affecting the recipient's electronic document acceptance system.

### SUMMARY OF THE INVENTION

These and other objects, needs and desires are obtained in a system and method of document transfer in which a document is transferred from a sending location to a sanctioned or trusted way location for reproduction (physical or otherwise) and subsequent delivery to an intended recipient. In a preferred embodiment, the way location is an office of a postal authority nearest the intended recipient. In this embodiment, upon reproduction of the transferred document, the postal authority may physically deliver the document commensurate with its standard delivery techniques.

Information within, or accompanying, the document may provide the delivery agents with specialized instructions regarding the delivery of the transmitted document. For example, registered delivery or a return receipt signed by a recipient may be requested. Moreover, the way location may provide automated acknowledgement of receipt of the transmitted document at the way location. Thus, even without acknowledgement of actual delivery by the intended recipient, the sender of a document may be provided trustworthy documentation of transmission of a document.

Likewise, information regarding preferred delivery methods of a particular recipient may be utilized by the delivery agents. For example, a preference to receive all documents possible by e-mail may be stored in a database by the delivery agent.

It shall be appreciated that traditional transmission of documents through such systems as a postal authority require the posting of the document by the sender. Posting typically involves placing the mail item in some sort of receptacle, i.e., a mail box, to await its induction into the system during a scheduled collection by a postal agent. Thereafter, the mail item must be handled, sorted, and physically transported a number of times in order to reach a postal office near the intended recipient. Once delivered to this office, the mail item must be again sorted and handled in order to be associated with a particular postal carrier assigned a route including the intended recipient.

However, it shall be appreciated that the present invention's electronic induction into the postal system at a point early in the paradigm and/or direct electronic delivery to the postal office nearest the recipient avoids the handling and transportation delays introduced in the above described posting of mail. According to the present invention, the document need only be sorted at the way location, i.e., the postal office, in order to be electronically inducted or be associated with the proper carrier to physically deliver the document. If proof of delivery is desired, such as through the use of a return receipt, or special delivery is required, such as registered delivery or expedited delivery, such can be noted at the time of receipt at the way location. Thereafter, the delivery of the document may be handled accordingly.

The transmission location may be equipped with an accounting register, such as the portable processor device disclosed in U.S. Patent Number 5,510,992, issued to Kara, incorporated herein by reference, which dispenses monetary value indicia to be utilized in paying for the transmission and delivery of the document. For example, in one embodiment of the present invention the system transmitting the document includes a data packet, either within the transmitted document or accompanying its transmission, which provides a reliable indication of having tendered a proper amount for the document's transmission.

Preferably, this accounting register includes means for date and/or time stamping the transmission of the document such as through the use of a secure real time clock provided within the above described portable processor device. As this date stamp is provided by a trusted secure device, it may be utilized to provide an official time stamp accepted by the delivery agent such as the United States Post Office (USPS) or otherwise acceptable, such as in litigation. The provision of such a real time clock and its subsequent use to securely date and time stamp postage is disclosed in the co-pending, commonly assigned, U.S. patent application entitled "System and Method for Controlling the Dispensing of an Authenticating Indicia" previously incorporated herein by reference.

Additionally, the transmission location may also possess means by which cryptographic keys may be utilized to encrypt the transmission of the document for security purposes. For example, in one embodiment, the above mentioned portable processor device is adapted to include or generate cryptographic keys, such as is disclosed in the co-pending, commonly assigned, U.S. patent application entitled "Method and System for Electronic Document Certification" previously incorporated herein by reference. Here, the transmitted document is encrypted, such as for security purposes, utilizing a cryptographic key for which the way location or the intended recipient has, or may be provided, the corresponding key suitable for decryption of the document.

Preferably, the way location equipment is robust in that it provides communication capabilities suitable for accommodating a broad spectrum of transmission location configurations. For example, the way equipment may include communication gateways to public data communication networks such as the Internet. Additionally, the way equipment may provide communication through such commonly available communication networks such as public switched networks (PSN).

In addition to providing communication means for a variety of topologies, the way equipment may also provide communication and document reproduction protocols compatible with a variety of configurations of transmission equipment. For example, the way equipment may provide for the receipt and printing of a document originated from a FAX machine transmitted through standard telephone lines. Additionally, the way equipment may provide for the receipt and printing of a document originated from a personal computer, such as an X86 or 680X0 based computer, transmitted through standard phone lines or a data network such as the Internet. Likewise, the way equipment may provide for the electronic acceptance of documents originally transmitted as tangible hard copies where the way equipment includes a document scanner or other conversion device. It shall be appreciated that transmission of the document according to the present invention may utilize existing



transmission protocols such as the aforementioned FAX transmission or even typical e-mail systems.

Preferably, the way equipment provides reproduction of the transmitted document in original quality. For example, text is produced in letter quality and graphic images are produced to include fine detail where such attributes exist in the original transmitted document. Of course, where a poor quality original is transmitted, such as through a standard FAX machine or a low quality electronic generation of a document, the way equipment's ability to produce an original quality reproduction may be limited. However, preferably the way equipment includes interpolation algorithms to smooth and otherwise improve the reproduction quality of documents received thereby.

In one embodiment, the way location is also be equipped to retain records with respect to receipt and subsequent delivery of the transmitted document. For example, the way equipment may utilize a database to store records with respect to a transmission of a document by a transmission location which is addressed for delivery to a particular receiving location. This database may be further supplemented by information from a particular carrier with respect to actual delivery of the document at the recipient location. Moreover, the way location may retain a copy of the transmitted document, such as for a predetermined period of time, in order to not only provide proof of a transmission and delivery of the document, but to prove the contents of the document itself.

Therefore, a technical advantage of the present invention is that the speed of electronic document transmission, even over great distances, is combined with the advantages of physical acceptance or delivery of documents. Some of the advantages of physical acceptance of documents realized by the present invention are the nearly universal availability of transmission means at transmitting sites as well as the long established procedures and infrastructure to accomplish posting of such items. Some advantages of physical delivery realized through the present invention include

independent third party confirmation of delivery, creation of a reproducible history with respect to delivery of a document, specialized delivery methods, as well as obviating the need for electronic document reception and reproduction means at the recipient location.

5           A further technical advantage of the present invention is that instantaneous proof of transmission and/or delivery of a document is provided by a trusted third party. Such proof may be further supplemented by the trusted third party maintaining a copy of the transmitted document to also prove the contents of the document.

10           A still further technical advantage of the present invention is provision of original quality reproductions of transmitted documents without the need for the sending location to actually possess the necessary apparatus to produce the same independently. Where, for instance, the sending location electronically creates the transmitted document, such a system may be utilized to provide reproduction capabilities beyond those economically reasonable at an individual transmission  
15           location.

          The foregoing has outlined rather broadly the features and technical advantages of the present invention in order that the detailed description of the invention that follows may be better understood. Additional features and advantages of the invention will be described hereinafter which form the subject of the claims of the invention. It  
20           should be appreciated by those skilled in the art that the conception and the specific embodiment disclosed may be readily utilized as a basis for modifying or designing other structures for carrying out the same purposes of the present invention. It should also be realized by those skilled in the art that such equivalent constructions do not depart from the spirit and scope of the invention as set forth in the appended claims.

**BRIEF DESCRIPTION OF THE DRAWINGS**

For a more complete understanding of the present invention, and the advantages thereof, reference is now made to the following descriptions taken in conjunction with the accompanying drawings, in which:

5       FIGURE 1 illustrates the transmission of a document from a sending location through a way location to a receiving location according to a preferred embodiment of the present invention;

FIGURES 2A and 2B illustrate the connection of a credit storage device to the document transmission systems of FIGURE 1;

10       FIGURE 3 illustrates a preferred embodiment of the letter server of FIGURE 1;

FIGURE 4 illustrates a flow diagram of the transmission of a document from a sending location according to a preferred embodiment of the present invention; and

15       FIGURE 5 illustrates a flow diagram of the receipt of a document at a way location according to a preferred embodiment of the present invention.

### DESCRIPTION OF THE PREFERRED EMBODIMENTS

The present invention provides for the transmission and delivery of a document from a sending location to a particular recipient location. In a preferred embodiment, the transmission of a document is accomplished by transmitting the document from a sending site, through a trusted way location, to a recipient site as illustrated in  
5 FIGURE 1.

In the preferred embodiment, a user invokes a system, such as FAX 110 or general purpose computer (PC) 111, at the transmission location to electronically transmit a selected document, such as document 130 through network 120 or 121, to a  
10 way location having receiving and reproduction facilities, such as letter server 101. Letter server 101 receives the electronic transmission of document 130 and provides reproduction of the document, such as illustrated by letter 142.

Alternatively, a user may transmit a selected document through physical means, such as posting letter 112. In this case, letter server 101 receives the transmission  
15 through a device which converts the physical document into an electronic representation. Such devices are well known in the art and are typically embodied in the form of a document scanner providing optical to digital conversion.

The receiving way location is preferably affiliated with a trusted letter or parcel delivery service (delivery service), such as the USPS, and therefore may provide  
20 physical delivery of the reproduction of the transmitted document to the physical address of the recipient. Such physical delivery may be part of the standard delivery service offered by the delivery service. For example, letter server 101 may provide originally transmitted document 130 in a format suitable for induction into the delivery service's standard delivery paradigm (although being introduced not at the typical  
25 induction point, but at a point in the paradigm very near the actual delivery of the document, taking advantage of sorting algorithms, such as by route, etc., and also providing for rate discounts such as by batching mail items by ZIP code, etc.). Alternatively, the delivery of originally transmitted document 130 may be

accomplished through special handling by the delivery service as might be selected by the sender.

Of course, the way location may be associated with an entity or enterprise other than an official delivery service, if desired. For example, the way location may be affiliated with the sending location, such as is a mail room. Likewise, the way location may be provided by an intermediary service to the sender and delivery service which will actually deliver the document. However, in such a case, the document will typically be inducted into the delivery service's standard delivery paradigm at a point further removed from the actual delivery than when the way location is affiliated with the delivery service.

Reproduction of the document by the letter server may include preparing a suitable container for the actual document, such as selecting and addressing an envelope for standard mail transmission of letter 142, or may similarly include properly formatting the document for electronic transmission, such as providing routing or other information to forward as an electronic transmission to receiving FAX 140 and/or PC 141. Of course, reproduction of the document may take any form commensurate with the means by which letter 142 is to be ultimately delivered, including the preparation of any associated items such as the aforementioned container or even the inclusion of a stamp or other indication of payment or authorization for subsequent delivery.

Moreover, as reproduction of the document by the letter server may be electronic, such as for delivery via FAX, such as to FAX 140 connected by network 122, or e-mail, such as to PC 141 connected by network 123, the delivery container may not be a container in the common vernacular, but rather a protocol for proper delivery. For example, the document may require proper routing information or predefined packetization in order to be transmitted to a desired receiving device. Accordingly, the letter server prepares the document for such delivery.

Additionally, as different delivery methods are available to any document transmitted to the letter server, a determination must be made as to the particular delivery method to be utilized for any document. Preferably, the sender indicates a preference for delivery of the document, such as through inclusion of delivery address information. Where this information is a physical address it might be presumed that delivery is to be physical, by way of postal delivery. Likewise, where the address information indicates an electronic address, such as a telephone number or e-mail address, delivery might be presumed to be commensurate with such addressing schemes. Alternatively, or additionally, the sender may indicate a preferred method of delivery, which information is stored by the letter server, used, for example, when no other method of delivery is otherwise indicated.

Of course, a recipient of such documents may indicate a preferred method of delivery. For example, recipients may provide the delivery service with information, as to how documents should be delivered, that is stored by the delivery service for subsequent reference when a document is to be transmitted. Such delivery preference information may include strata of delivery choices, such as identity of senders or types of documents for which a particular delivery method is to be used. Accordingly, a recipient may prevent the electronic delivery of unsolicited or unwanted documents through such systems as e-mail and relegate such documents to delivery by more conventional means. Moreover, a recipient might even designate certain types of documents and/or particular senders for which document delivery may be forgone, if desired.

In order to physically reproduce the document, letter server 101 preferably includes a printer, such as printer 301 illustrated in FIGURE 3. Printer 301 may be a general purpose printer, such as a laser or other printer well known in the art, which is capable of producing original quality documents including text and/or graphics. Moreover, preferably printer 301 includes adaptive algorithms to provide improved output quality such as graphic smoothing or interpolative techniques in order to

produce high quality reproductions of the transmitted document. Of course, printer 301 may in fact be a combination of multiple printing devices such as a document printer, a graphics printer, and/or an envelope printer, if desired.

As documents printed by printer 301 might contain sensitive information, printer 301 may include substantially automated systems by which a printed document may be sealed within a delivery container without providing opportunity for viewing by unauthorized third parties. Alternatively, printer 301 may utilize special form material providing for the outputting of hidden confidential information which may readily be rendered visible by the addressee. For example, the form used may comprise multiple laminated parts adapted to produce a document on a face of one of the parts which is visible only upon delamination of the parts. The document may be produced by printer 301 causing impact, heat, or other catalytic action in areas corresponding to particular areas of the document, in order to produce the desired document.

Preferably, printer 301 also includes the ability to print various sizes of documents to accommodate the more common document sizes in use today. Additionally, printer 301 may provide the capability to print information or images ancillary to the document being transmitted. For example printer 301 may print a letter head, signature, or other information typically associated with an original document.

Furthermore, printer 301 also preferably includes the ability to properly address or otherwise prepare delivery containers to be associated with a transmitted document. For example, printer 301 may include envelope or label handling capabilities in order to print recipient address information thereon. Of course, delivery containers adapted to allow selected areas of the document to be seen therethrough may be utilized in combination with or in the alternative to the ability to address delivery containers.

To provide for acceptance of documents transmitted in tangible form, letter server 101 may include a device for converting such tangible documents into electronic form, such as scanner 302. Scanner 302 may be a general purpose image scanner, such as a flat bed optical scanner or other page scanner well known in the art, which is

capable of producing high quality electronic representations of documents including text and/or graphics. Moreover, preferably scanner 302 includes optical character recognition algorithms to provide information, such as addresses, in machine readable form. Of course, rather than scanner 302, a system operator transcribing the transmitted document into its electronic form may be used, if desired.

In addition to printer 301 and scanner 302, letter server 101 may include additional components such as database 310, communication interface 320, accounting system 330, and central processing unit (CPU) 340 illustrated in FIGURE 3. Communication interface 320 provides data communication between a document transmission system such as FAX 110 or PC 111 of FIGURE 1 and various components of letter server 101. Likewise, communication interface 320 provides data communication between letter server 101 and document receiving systems, such as FAX 140 and PC 141. This interface may be any number of interfaces known in the art suitable for providing data communication, such as a modem for communication over a PSN or the Internet, or a network interface card (NIC) for communication over a computer network.

Accounting system 330 may include an algorithm for debiting costs associated with the transmission/delivery of a document from accounts associated with either the sender or receiver of the document. Such algorithms may include storage of a credit associated with the sender or receiver and the subsequent deduction of value therefrom. Likewise, the algorithms may include instructions suitable for demanding payment from a third party such as a bank card issuer or the like. Moreover, accounting system 330 may include an algorithm for determining that a document transmission has been pre-funded, such as through deduction of a credit stored in a device coupled to a document sending location, as is discussed in detail below.

Database 310 may include information with respect to accounts or other information with respect to sending locations. Additionally, database 310 may store information such as a letterhead or company logo useful in reproducing a formal



document where, for example, the transmission means does not provide for such, e.g., a typical e-mail client. The database may also store information such as a bitmap or graphics image of a handwritten signature of a sender for reproduction on a transmitted document.

5           Moreover, as authentication information may be included in or with the transmitted document, database 310 may be utilized to securely associate any number of useful pieces of information with a transmitted document. For example, the  
10           aforementioned debit or credit may be secured from unauthorized transactions, or the aforementioned signatures may be incorporated in a transmitted document, through  
reference to authorization information, such as through the use of trusted sender  
identification information. It shall be appreciated that a system at the sender's location  
may be adapted to provide such trusted information, such as through the use of the  
portable processor device taught in co-pending, commonly assigned, parent application  
entitled "System and Method for Controlling the Storage of Data within a Portable  
15           Memory," which has been previously incorporate by reference herein. Likewise, some  
e-mail systems today utilize a client system which provides unalterable identification of  
the sender, such as a digital certificate or digital signature, useful according to the  
present invention.

20           Database 310 may include information regarding recipients or recipient  
locations, such as address information, discussed in detail below, or preferred delivery  
methods. Additionally, database 310 may include a bitmap or graphics image of a  
handwritten signature or digital signature associated with a recipient such as for  
inclusion in a receipt of delivery. Likewise, database 310 may include debit or credit  
account information associated with a recipient in order, for example, to charge the  
25           recipient for delivery of a transmitted document or declining to receive a transmitted  
document.

CPU 340 provides the control for various components of letter server 101.  
CPU 340 may be a special purpose device adapted to control the various aspects of

letter server 101. However, preferably CPU 340 is embodied in a general purpose processor-based system operating under control of a set of instructions to provide the various features of the present invention. Furthermore, it shall be appreciated that the above described components of letter server may be embodied in and/or coupled to  
5 such a general purpose processor-based system.

It shall be appreciated that the components of letter server 101 may be disposed at physically diverse locations. For example database 310 and/or accounting system 330 may be located at a central location in order to serve a plurality of letter servers.

10 Likewise, printer 301 may be located apart from the other components of letter server 101, such as within optional letter server 102 illustrated in FIGURE 1 coupled to letter server 101 through network 124. For example, letter server 102, including printer 301, may be located at a post office substation determined to be nearest to the actual recipient location while other components of letter server 101 are located at a  
15 centralized post office or one disposed nearest the sender. Of course, letter server 101 and 102 may each include similar components, thus allowing for the acceptance of a document at one letter server and subsequent re-transmission at another. Moreover, the number of letter servers is not limited to the two shown and may, in fact, include a substantial network, such as one disposed at every station of the delivery service. It  
20 shall be appreciated that communication between the letter servers of the present invention may be according to a unique protocol. Accordingly, where a document received at letter server 101 is to be retransmitted by letter server 102, the document may be communicated there between in a format different than received at letter server  
25 101 and/or retransmitted at letter server 102. Preferably this intermediate format is adapted for efficient utilization of bandwidth between the letter servers of the present invention. Upon receipt of the transmitted document in the intermediate format by letter server 102, the document is converted for proper retransmission to the recipient.

Alternatively, printer 301 may be located on premises of the recipient party, thus eliminating the need for subsequent delivery by the delivery service. Such an embodiment may be especially desirable where the recipient receives a large number of documents such as, for example, the Internal Revenue Service (IRS) or other government agency.

It shall be appreciated that the reproduction of the transmitted document on the premises of the recipient party according to the present invention provides advantages over the FAX transmission of documents point to point common today. According to the present invention, a trusted third party is involved in the document's transmission and, therefore, provides reliable proof or confirmation of the document's transmission. Moreover, time stamping of the document, such as may be provided by a secure accounting unit, the letter server, or the delivery service itself, may be utilized by the sender to prove posting by a particular date and/or time such as is often required by government agencies such as the IRS. Time stamping at the point of transmission may be very useful, and indeed be paramount in defeating a deadline, where transmission latencies exist or crossing of date and/or time lines is necessitated.

Moreover, the present invention provides additional advantages by providing a convenient and trusted means by which postage fees for the transmission of documents may be paid/collected. In addition, or in the alternative, to payment provided by the letter server utilizing debit or credit accounts associated with either the sender or recipient, payment may be in the form of prepayment deducted from a secure register at either the transmission or reception site.

Additionally, advantages of the present invention may be realized by locating all of the components of the letter server on the premises of the recipient party where such components are secure from tampering or unauthorized access. For example, the aspects of the present invention providing the trusted confirmation of the document's transmission may be located within the confines of a secure processing device, such as the portable memory device taught in co-pending, commonly assigned, patent

application entitled "System and Method for Controlling the Storage of Data Within a Portable Memory," which has been previously incorporated by reference herein.

In sending the document through the present invention, the sender may provide certain information in addition to the actual content of the document in order to complete delivery of the document. For example, in order to deliver the reproduced document, the delivery service must be apprised of the address (physical, electronic, or otherwise) of the recipient. The sender may provide this information in the form of header or cover (supplementary) information accompanying the electronic document transmission. Where FAX 110 is utilized to transmit the document, for example, the sender may include a "FAX cover sheet" having the physical address of the recipient included thereon. Likewise, where PC 111 is utilized, the sender may provide recipient location information to be included within a data packet accompanying the electronic transmission of document 130.

Of course, the inclusion of such recipient information may be standardized, such as through the use of predefined forms or protocols, in order that letter server 101 may automatically distinguish this information from the document itself. For example, a standardized form may be utilized as the above referenced FAX cover sheet whereby letter server 101 is able to electronically determine the necessary recipient information from the transmission and thereby properly prepare any necessary delivery accouterments. Here, for example, letter server 101 may blindly reproduce a particular predefined area of the FAX cover sheet upon an envelope to be later utilized to deliver the transmitted document.

Similarly, PC 111 may accept recipient information and format it to properly accompany document 130 whereby letter sever 101 may isolate this information for provision of the delivery information in the proper form for delivery of letter 142. For example, where PC 111 utilizes an e-mail system in order to transmit the document, predefined areas of the e-mail may be utilized for such information. As e-mail systems typically include predefined fields such as "to," "from," and "re:" lines, these fields may

be utilized to provide recipient information. Likewise, a first page of an e-mail transmission may be defined as a "cover sheet" as described above with respect to FAX transmission. Here letter server 101 would simply look to a particular area of the e-mail transmission in order to determine any information regarding the handling of the document.

Of course, use of PC 111 to transmit documents according to the present invention may include the use of a program specifically adapted for use with the present invention. Such a program may provide a user interface which solicits necessary or useful information from a sender, in addition to the actual contents of the transmitted document, in order to complete the transmission according to the present invention. This program may be operable on PC 111 or may be operating at least partially remotely. For example, a "web server" or other communication server which allows remote client systems such as PC 111, running the appropriate browser or client, to interact with the server, in order to compose and/or transmit a document, may be used. This interaction may include the execution of applets at PC 111 or may simply receive keystroke information at the server from the remote client.

Often document 130 may itself include recipient information. For example, in the case where document 130 is a typical letter, information sufficient to physically locate the recipient is generally included within the document as an address block.

Therefore, letter server 101 may also be adapted to browse the contents of document 130 in order to determine recipient information without requiring the sender to separately provide this information. Preferably, such an adaptation is provided in letter server 101 as a secondary function, to be utilized in the case where the aforementioned provision of such information is not provided as supplementary information. In this way, senders may include recipient information for documents not including such information therein, while not being required to duplicate such information where it readily appears within the transmitted document.

Electronic transmission of documents via FAX is well known in the art and, therefore, will not be discussed in detail herein. However, it shall be appreciated that a document transmitted via FAX is communicated as an image of the document (i.e., picture telegraphy) rather than a transmission of the components of the document (i.e., the characters forming the words of the document).

Therefore, in a preferred embodiment, where letter server 101 is adapted to browse the transmitted document to isolate the recipient information, letter server 101 includes circuitry to provide for the conversion of the image information of a FAX transmission to character information suitable for electronic processing. For example, letter server 101 may include character recognition algorithms common today in optical character recognition (OCR) to provide conversion of portions of a graphical image, such as the FAX transmission of a document, into character codes, such as those of the American Standard Code for Information Interchange (ASCII), which may be browsed to intelligently determine the recipient's address.

Moreover, it shall be appreciated that conversion of the FAX image to character codes may be utilized by the present invention for advantages in addition to the intelligent determination of the recipient's address. Where the present invention acquires the recipient information as character information, such as through the aforementioned conversion of FAX information to character code or when received as data from a transmitting PC, letter server 101 may include or be coupled to a database, such as database 310 for example, providing information regarding recipient addresses. Here the database may be utilized to confirm the accuracy of the address or to provide change of address information. Similarly, such a database may be utilized to supplement addressing information with carrier route information, such as ZIP plus four carrier route information. Likewise, the database may be utilized to determine a delivery method through cross-reference to information regarding delivery. Additionally, letter server 101 may use the recipient information to automatically sort

the documents in order to provide more efficient delivery and/or reduced delivery charges.

Of course, rather than providing recipient address information on a transmission by transmission basis, address information may be stored, such as in data base 310, for correlation with particular documents. For example, a recipient's name, or other unique identification information, may be utilized by a letter server to determine an address through reference to a relational database of such information.

In addition to the intelligent use of recipient information, letter server 101 may similarly utilize other information accompanying the transmitted electronic document. Other, or ancillary, information may be included with or in the electronic document transmission such as date and time of transmission of the electronic document, special delivery instructions, authentication information, a method of payment for the transmission/delivery of the document, or instructions for the letter server system to archive a copy of the transmitted document, if desired. Furthermore, the inclusion of more than one recipient's address may be utilized to provide for multiple document deliveries from a single transmission of a document, if desired.

For example, ancillary information accompanying the electronic document transmission may indicate the sender's desire to have the document specially handled by the delivery service. Such special handling may include such services as expedited delivery, registered delivery, the return of a delivery receipt, or any other service available by the delivery service.

Likewise, ancillary information may be utilized to indicate a method of payment for the transmission/delivery of the document. For example the ancillary information may include a charge or debit account from which the funds necessary to finance the transmission/delivery of the document may be acquired. Such information may be utilized by accounting system 330 in properly charging for the service provided.

It shall be appreciated that such ancillary information may be an integral part of the transmission rather than information specifically included therein. For example,

information identifying a sender of an e-mail or FAX is typically included in the transmitted document automatically. Moreover, such information may be provided in a trusted way, such as by way of a user unalterable e-mail address or account associated with the transmitted document. This trusted information may be utilized for authentication purposes such as for debiting an account associated with the sender, etc.

Of course, it shall be understood that an embodiment of the invention may be practiced without any method of payment for the service being provided, if desired. However, it shall be appreciated that payment for transmission of a document by a sender inherently provides a certain amount of deterrence against frivolous document transmissions. Specifically, a sender of documents via such a system is going to be dissuaded from sending a volley of communications for such purposes as harassing a recipient. Accordingly, recipients utilizing the services of the letter server are relieved of many of the problems associated with the nearly cost free ability of senders to instantaneously and repeatedly transmit communications to a recipient.

In a preferred embodiment, payment for transmission/delivery of documents according to the present invention is accomplished by the transmitting and/or receiving system, such as PC 111, FAX 110, PC 141, or FAX 140, deducting a value associated with the service from a credit stored in a portable memory coupled thereto, such as portable processor 210 coupled to interface 201 illustrated in FIGURES 2A and 2B. A portable memory and method for deducting a value from a credit stored within is taught in co-pending, commonly assigned, patent application entitled "System and Method for Controlling the Storage of Data Within a Portable Memory," which has been previously incorporated by reference herein. Of course, the credit may be stored at the sending site other than in a portable memory, if desired.

Deduction of a proper value by the sender of a document may subsequently be verified. Such verification may utilize information, such as a data packet or indicia created upon deduction of the credit, transmitted with or within the transmitted document in order to reliably determine that the value of the services has been paid.



For example, the letter server may independently verify the data packet referencing data contained therein. Likewise, the letter server may use accounting system 330 described above to confirm that the data packet or other indication of payment was generated by an authorized sender or that a balance of postage credit previously issued has not been exceeded.

Therefore, in an alternative embodiment, FAX 110 is adapted with additional circuitry in order to deduct a value from a credit stored within a coupled processor device. In addition to interface 201 and processor device 210 illustrated in FIGURE 2A, FAX 110 is adapted to include algorithms suitable for interacting with processor device 210 to deduct a value commensurate with the transmission/delivery of the document. Such algorithms may recognize transmission to the way location, such as through identifying a particular phone number or other electronic address, in order to determine the propriety of deducting credit from the portable processor device. Alternatively, the algorithms may monitor communication between FAX 110 and any device coupled via network 120 to determine the propriety of deducting credit. For example, the algorithm may detect a predetermined signal from a coupled device to determine when and/or how much value to deduct from the credit stored within the processor device. Thereafter, the document transmitted by FAX 110 may be supplemented to include, or otherwise be associated with, the aforementioned data packet which includes proof of payment and possibly other information, such as a time stamp.

FAX 110 may be physically modified or adapted in order to provide interface 201. However, it shall be appreciated that interface 201 may also be provided without the need to physically modify typical FAX machines in common use today. Such an interface may be provided through coupling circuitry to a standard interface port already provided in FAX 110, such as a serial communication port provided by the original equipment manufacturer. Likewise, interface 201 may be coupled to FAX 110 via its interface with network 120. Such an embodiment could provide for deduction

of credit by monitoring communication over network 110, such as the aforementioned electronic address or response signal, without the need for any modification of FAX 110.

PC 111 may be similarly adapted to provide deduction of credit. For example, where a general purpose communication system, such as an existing e-mail system, is utilized to transmit a document according to the present invention, a terminate and stay resident (TSR) program may operate on PC 111 to identify the transmission, deduct the proper value from a storage device, and transmit an indication of proper funding along with the e-mail. Of course, where the aforementioned specifically adapted program is utilized, this program may include the necessary algorithm to deduct the proper amount from the storage device.

Of course letter 112 may include the well known postage stamp as proof of payment for postal services. The inclusion of this stamp may be verified upon receipt in the delivery system as is well known in the art. Additionally, or alternatively, letter 112 may include a data packet or indicia, either upon the exterior of the delivery container or within the transmitted document itself, which provides proof of payment for the postal/delivery services utilizing the letter server. This data packet may be advantageously used to provide the aforementioned date stamping provided by the trusted accounting device. Systems and methods for providing such a data packet having proof of payment, as well as other information such as a date stamp, are taught in the co-pending applications entitled "System and Method for Controlling the Dispensing of an Authenticating Indicia" and "System and Method for Printing Postage Indicia Directly on Documents" previously incorporated by reference. Of course, the aforementioned sender authentication information may be utilized for indicating proof of payment or for authorizing the deduction of payment from the sender's account rather than including a separate proof of payment, if desired. Accordingly, the provision of this accounting information may be provided in a trusted and fully automated fashion, requiring no additional interaction with the user. For

example, where the secure portable processor taught in the patent application entitled "System and Method for Controlling the Dispensing of an Authenticating Indicia" is used, the sender identification information may be generated by the secure portable processor only upon deduction of a charge for the transmission from a value register contained therein. Accordingly, the sender may be identified and payment confirmed from a single piece of transmitted information.

Preferably, upon successful transmission of the document from the transmission location to the way location, confirmation of transmission is returned to the transmission location. Such confirmation may be in the form of a message confirming the size and date/time of the transmission and may include information regarding the sender and/or receiver. Alternatively, such confirmation includes information from which the transmitted document may be recreated. For example, the confirmation may be a code, such as a two dimensional bar code, containing not only the above information, but also information from which the complete document may be later reproduced. Such information provides advantages to the present day return receipt commonly used in postal systems, as not only may the transmission of a document be confirmed, but so to may the contents of that document.

The confirmation of transmission by the present invention may be immediately returned electronically to the transmission site, such as through return FAX or a reverse channel signal communicated to a transmitting PC. Alternatively, the confirmation may be provided separately such as through a hard copy transmitted through a postal system.

Of course, where a return receipt, or other confirmation of actual delivery of the document to the receiving location, is requested this confirmation may be returned to the sending party electronically as described above for the confirmation of transmission. This method of providing confirmation of delivery may be used to not only provide the advantages discussed above, but also may significantly decrease

latency between the delivery of the document and the receipt of the confirmation by the sender.

Directing attention to FIGURE 4, a flow diagram of a preferred embodiment of the transmission of a document from a sending location according to the present invention is depicted. Initially, the user selects or inputs a document to be transmitted (step 4001). Input of a document may be, for example, accomplished through scanning a document into a FAX or inputting a message into an e-mail system. Of course, input of a document may be accomplished through posting a tangible representation of the document.

Selection of a document may include selecting a document stored within the sending system which may have been input or generated by another program, such as a word processor, spread sheet, accounting system, or graphics application. It shall be appreciated by one of skill in the art that an application operable to transmit a document according to the present invention may be executed in the form of a TSR program, or similar co-existing program, and therefore allow for the automatic association of a document created within a co-executing process. In a preferred embodiment, where a computer is utilized to transmit the document, the application operable to transmit the document provides the ability to select and transmit an electronic document created in a co-executing process.

At step 4002 it is determined whether the document recipient's address needs to be added to the transmitted document. As described above, many documents may include recipient address information and therefore not require duplicitous input. However, if it is determined that such information should be included in the transmission, at step 4003 the information is input in a predetermined format or portion of the transmitted document as described above.

If the recipient's address information does not need to be input, or after such is input, a determination is made as to whether additional delivery service instructions are desired (step 4004). Such instructions may include expedited delivery, return receipt

instructions, or the like as discussed above. These instructions are input in a predetermined format or portion of the transmitted document as described above (step 4005).

5 If no additional delivery service instructions are desired, or after such are input, payment information or authentication information useful in determining payment for the transmission/delivery of the document is included (step 4006). As described above, the payment method may be an indication of pre-payment, such as a deduction of credit from a coupled memory device, including the aforementioned data packet or indicia. Likewise, the payment method may be instructions to debit a credit or charge  
10 account or the like. Alternatively, authentication information, providing trusted identification of the sender may be utilized to determined account for payment, as discussed above. Of course, where no payment for the service is desired, this step may be omitted.

At step 4007 a link between the sending location and the letter server is  
15 established. The particular letter server to which the link is established may be determined through reference to a database indicating a proper letter server through reference to a ZIP code, for example, in the recipient's address. Likewise, the link may be established indirectly through a central office which determines a proper letter server to handle the particular document being transmitted. Of course, where a  
20 tangible copy of the document is transmitted such as through posting the document, the link is physical delivery of the document. In such a case the particular letter server to which the link is established may be determined by that closest to the sender or the most expedient to receive the document for re-transmission to the recipient.

25 Additionally, it shall be appreciated that the link between a sender and the letter server (as well as between the letter server and a recipient) may be a virtual communication link. For example, in the case of e-mail transmission, a sender may establish a link with an Internet Service Provider (ISP) and upload (transmit) a document. Thereafter, the ISP may store and forward the document to the letter

server. Forwarding of the document to the letter server may be direct or indirect, utilizing any number of hubs, routers, and gateways to store and/or forward the document to an appropriate letter server.

5 The link established in step 4007 is a link suitable for data communications between the sending location and the letter server, such as a PSN, a computer network, the Internet, or the like. In the preferred embodiment, linking step 4007 includes the substeps of dialing a data communications access phone number, providing information as to which resource available through the data communications access is to be utilized, and verifying that data communications with a letter server or  
10 other suitable intermediary equipment has been accomplished.

It shall be understood that there is no limitation of the present invention to establish and terminate the communications link between the sending location and the letter server. For example, where digital telecommunications trunks or a digital network system are utilized for providing communication links, a data communication  
15 link may advantageously be maintained for extended periods of time thereby eliminating the need for the sending location to establish and terminate the communication link.

Upon establishing a link between the sending location and the letter server, the document and associated information, such as recipient's address, delivery instructions, and payment method, are transmitted to the letter server via the established  
20 communication link (step 4008). If desired, the associated information, and/or the transmitted document, may be encrypted using cryptographic keys common to the sending location and the letter server to provide added security to the transmission. Such encryption may be advantageous in the case where the additional information  
25 includes sensitive information such as a method of payment. Similarly, the transmitted document may be encrypted using cryptographic keys common to the sending and receiving location to provide security to contents of the transmitted document.

After transmission of the document the sending location monitors data communications for the presence of confirmation of successful transmission (step 4009) or a message of error condition (step 4010). If a message indicating an error condition, such as failure of transmission or an unaccepted payment method, is received, then the communication link is terminated and the error condition reported (step 4011). Of course, rather than terminating the communication link, the sending location may instead instruct the operator to correct the error condition and re-attempt the transmission, if desired.

In the case where neither a confirmation of successful transmission nor an error condition is received, the sending location returns to step 4008 to retransmit the document. However, where the confirmation of successful transmission is received, termination of the communication link is accomplished at step 4012. Of course, where a virtual link is utilized, such as in the case of an ISP storing and forwarding the document, step 4009 may monitor the virtual link, such as by periodic connection to the ISP, for confirmation of the transmission. Receipt of an error condition message at step 4010 would result in return to step 4008 for retransmission of the document to the ISP. Confirmation of successful transmission at step 4009 would result in termination of the virtual link, i.e., recognize completion of transmission of the document, at step 4012.

It shall be understood that, although the foregoing discussion disclosed the transmission of a single document, multiple documents may be transmitted in any session. If desired, multiple documents may be transmitted by returning to an earlier step, such as step 4008, to continue the process again rather than terminating the communication link as in step 4012.

In the case of multiple recipient addresses being included in or with the transmitted document, the sending location may receive multiple confirmations of successful transmission indicating each of the recipients for which the document is to be delivered. The confirmation is the sending location's confirmation that the

transmitted document was successfully transmitted to the letter server for delivery to the indicated recipient, and may include the exact date and time of receipt of the document. The indicia may be integrated into the original document by the sending location, or may be printed or stored, for example, on a disk drive, for later proof of transmission of the document.

Having explained in detail the steps of sending a document according to a preferred embodiment of the present invention, attention is directed to FIGURE 5 wherein a flow diagram of a preferred embodiment of receipt of the document by a letter server or other way location equipment is depicted. Initially, data communications are monitored for the presence of a sending location (step 5001). When the letter server detects the presence of a sending location, such as, for example, by a ring indication at communication interface 320, a link capable of data communication is established at step 5002. In an alternative embodiment, where digital telecommunications trunks or a digital network system are utilized for linking the sending location and the letter server, a data communication link may advantageously be maintained for extended periods of time. Of course, where the document is transmitted in tangible form, the letter server may be operated to establish a communication link, i.e., accept the tangible document, by an operator of the letter server.

At step 5003, the letter server receives a transmitted document and associated information from the sending location. If encryption of the associated information and/or the transmitted document is used, the additional substep of decrypting the associated information and/or document is necessary for meaningful use of their contents. Thereafter, at step 5004 it is determined if the payment information or authentication information included in the associated information is acceptable.

Payment methods may involve the sending location having a credit or debit account with the delivery service or may utilize point of sale funding methods such as a valid bank card account. Use of credit and debit accounts require the sending location



to supply the delivery service with information suitable for setting up a database of such accounts prior to a document's transmission. In the case of a credit account, the user may be periodically billed for transmissions/deliveries previously sent. In the case of a debit account, the user prepays for transmissions/deliveries to be sent in the future.

5 Upon making transmissions/deliveries, costs of the transaction are deducted from the user's debit account. In the case of a bank card account being utilized, the provider will demand authorization of payment from the bank card company concurrent with the document's transmission. However, credit could be maintained at the sending location, as discussed above, and be decremented in the value of delivery services upon  
10 a transmission and so indicated by a data packet or indicia included with the document's transmission. Furthermore, the system may provide for any of these methods with the sender selecting a payment method for each transmission or utilizing a preferred method in the absence of selection of any particular payment method.

15 If the determination of an acceptable authentication or payment is decided in the negative, a message of error condition is transmitted and the communication link is terminated at step 5005. Of course, as discussed above, rather than terminating the communication link, the sending location may be afforded the opportunity to correct the error condition, if desired.

20 In an alternative embodiment, where instructions for the way location to archive a copy of the transmitted document are included in the transmitted information, the letter server causes a copy of the document to be stored such as within database 310. Such storage may involve writing the document to a disk drive along with the confirmation information including the date of the document's transmission and recipient information.

25 After receipt of the document, the letter server determines if the recipient's address is provided in the associated information (step 5006). If the recipient information is not provided, then the letter server browses the document to determine the recipient's address (step 5007). The recipient's address is then verified to

determine if it is acceptable at step 5008. Verification may include reference to a database to determine if the address is correct or, similarly, may include conversion of the address as provided to an acceptable delivery address (i.e., conversion of a recipient's electronic address to a physical address or conversion of a previous address to a current address through reference to a database).

If the recipient's address is determined to be unacceptable, indicating inability to properly deliver the document, an error condition message is transmitted and the communication link is terminated at step 5005. It shall be appreciated that a confirmation of successful receipt of the document is not communicated to the sending location where the recipient's address is unacceptable as the delivery service is unable to deliver the document to the receiving location. Confirmation of transmission of such a document would be meaningless as there is no way to complete delivery of the document.

Upon determination of an acceptable recipient's address, the letter server transmits a confirmation of successful receipt of the document at step 5009 and thereafter terminates the communication link (step 5010). As discussed above, this confirmation may include such information as date of transmission, sender information, and recipient information. In addition to transmitting the confirmation to the sending location, the letter server may store a copy of the confirmation such as within database 310. Such a copy of the confirmation may be later used to authenticate a sender's confirmation purporting to show transmission of a document.

After accepting the transmitted document, a determination is made as to the appropriate delivery method for the document at step 5011. This determination may be made through reference to database 310. For example, information regarding the preferred delivery method of various recipients may be stored in database 310 and referenced via comparison to recipient information associated with the transmitted document. Similarly, preferences as to a delivery method may be provided accompanying the transmitted document or be stored in database 310 according to the

sender. Likewise, the determination may be made as to the most expedient way to deliver the document.

Thereafter, a delivery container is prepared for the received document (step 5012). Of course, where a document is suitable for delivery without a container, or where a container is utilized which requires no preparation, the step of preparing a delivery container may be omitted.

At step 5013 the transmitted document is reproduced in a format suitable for delivery by the delivery service. Such reproduction may involve physical reproduction of the document such as may be accomplished by printer 301 or electronically as a data packet properly formatted for receipt by the appropriate receiving device. As described above, reproduction may include manipulation of the received document in order to present an original quality reproduction. Such manipulation may include interpolation algorithms to smooth graphic images, generation of an acceptable signature indicia, and the like. Additionally, reproduction may include appending certain information to the transmitted document, such as a letter head design.

Moreover, if the document is one upon which an authenticating signature is customarily appended, methods for producing an electronic authenticating signature, well known in the art, may be utilized by the present invention. Here an electronic signature transmitted with or accompanying the electronic document or stored in database 310, may be reproduced in a desired fashion, such as an image of a signature or perhaps a code such as a machine readable bar code or encrypted message, to confirm the status of the physical reproduction of the document as the "original" document.

Upon reproduction, the reproduced document is output to be delivered to the recipient location by the delivery service at step 5014. Such output may include not only output of the transmitted document, but may also include output of associated accoutrements such as the aforementioned delivery container, delivery instructions

(including special delivery instructions, return receipt forms, etc.), indicia of authorization or payment for delivery, such as a postage meter stamp, and the like. The printing of the aforementioned indicia is taught in the co-pending, commonly assigned, patent applications entitled "System and Method for Controlling the Dispensing of an Authenticating Indicia" and "System and Method for Printing Postage Indicia Directly on Documents" previously incorporated herein by reference.

Output of the document by the letter server may include negotiating a communication link with the recipient, such as described above between the sender and letter server. Of course, this link may be virtual or may actually put the letter server in direct communication with equipment, such as FAX 140 or PC 141 at the recipient location. Moreover, the communication between the letter server and recipient may include exchange of information ancillary to the transmission of the document as is discussed with respect to the communication between the sender and letter server. As with the communication with the sender, this ancillary information may be utilized to authenticate a recipient for purposes of associating a signature with a delivery receipt or for determining/providing payment for delivery services.

If multiple recipients are included in the information received from the sending location, the letter server may return to step 5011 to produce additional copies of the document and its accoutrements. This provides for the delivery of the documents to each of the recipients indicated by the sender.

Although the document generated by letter server 101 has been discussed herein as a reproduction of the transmitted document, it shall be appreciated that this reproduced version of the document may be afforded the status of an original document. Because letter server 101 is administered by a trusted third party to the transmission, such as the United States Post Office or other letter or parcel delivery service, this reproduction is produced with confidence in the accuracy of the correlation to the transmitted document.

However, if additional confidence regarding the correlation between the electronic document transmitted and the physical document reproduced is desired, certification of the document may be accomplished electronically. A preferred method for electronically certifying documents is disclosed in the above referenced co-pending,  
5 commonly assigned, U.S. patent application entitled "Method and System for Electronic Document Certification" previously incorporated herein by reference.

According to this preferred method a trusted third party, here the delivery service, confirms the correlation between the transmitted document and the received document (here the reproduction of the document). When confirmed, an indicia of  
10 certification is generated which may be attached to the document. This indicia may include such information as the sending party, the time the document was transmitted and a summary indication of the document's contents for later detection of authenticity of the contents. Alternatively, this indicia may actually include a coded version of the contents of the document for later reproduction.

Of course, regardless of establishing the correlation between the transmitted document and received document, the present invention may operate to provide a receipt of actual delivery to the recipient of the transmitted document to the sender.  
15 This receipt may be communicated to the sender along the reverse path of the transmission of the document by the sender or may be by a different path. This receipt may include an acknowledgment of delivery by the recipient. In the case of electronic  
20 transmission, this acknowledgement may be in the form of a digital signature provided by, or associated with, the aforementioned authentication information.

Although the present invention and its advantages have been described in detail, it should be understood that various changes, substitutions and alterations can  
25 be made herein without departing from the spirit and scope of the invention as defined by the appended claims.

WHAT IS CLAIMED IS:

1. A system for transmitting a document from a first location to a second location through a disinterested third location, said system comprising:  
means for selecting said third location discrete from said first location and said second location, said third location being associated with a party disinterested in said transmitted document;  
5 means at least in part operable at said first location for transmitting a document to said third location;  
means at least in part operable at said third location for receiving said document transmitted by said transmitting means, wherein said received document is in electronic form after receipt at said third location;  
10 means at least in part operable at said third location for producing a confirmation of receipt of said received electronic document; and  
means at least in part operable at said third location for reproducing for delivery to said second location said received electronic document in a plurality of different formats.  
15
2. The system of claim 1, wherein said transmission means comprises:  
means for time stamping said transmitted document according to a secure real time clock in communication with said transmitting means.
3. The system of claim 1, wherein said receiving means comprises:  
means for accepting documents transmitted in humanly readable tangible form;  
and  
means for accepting documents transmitted in machine readable electronic  
5 form.

4. The system of claim 3, wherein said received document is selected from the group consisting of:

- a printed document;
- a FAX transmission; and
- an e-mail transmission.

5. The system of claim 1, wherein said transmitting means is selected from the group consisting of:

- a general purpose computer operating under control of a general purpose electronic mail application;
- a general purpose computer operating in combination with an intermediary communication server;
- a general purpose computer operating under control of a special purpose application adapted specifically for said system; and
- a facsimile transmission device.

6. The system of claim 1, wherein said transmitting means further comprises means for communicating additional information with said transmitted document.

7. The system of claim 6, wherein said additional information comprises an indication of payment for the service of transmitting said document.

8. The system of claim 7, wherein said confirmation producing means is inoperable until said indication of payment is validated.

9. The system of claim 7, wherein said indication of payment is an indicia of pre-payment deducted from a credit storage device coupled to said transmitting

means, said indicia being transmitted to said receiving means accompanying said transmitted document.

10. The system of claim 9, wherein said credit storage device includes an internal time device and said transmitted document includes time information provided by said internal time device.

11. The system of claim 7, wherein said indication of payment is authorization to fund the transmission from an account established external to said transmitting means.

12. The system of claim 6, wherein said additional information comprises instructions regarding the delivery of said transmitted document to said second location.

13. The system of claim 6, wherein said additional information comprises instructions regarding storage of a copy of said transmitted document by said receiving means.

14. The system of claim 1, wherein said reproducing means comprises: means for formatting said received document according to a predetermined protocol for delivery to said second location.

15. The system of claim 1, wherein said reproducing means comprises: means for reproducing said received document as a physical document to be physically delivered to said second location; and

means for reproducing said received document as a properly formatted electronic document to be electronically delivered to said second location.



16. The system of claim 15, wherein said electronic document reproduced as a physical document is delivered to said second location through said disinterested party's established predefined routes for document delivery.

17. The system of claim 1, wherein said reproducing means comprises a document printer operating under control of said disinterested party.

18. The system of claim 17, wherein said document printer is disposed at a location other than said second location and wherein delivery of said transmitted document includes physical handling of said reproduced document by said disinterested party.

19. The system of claim 18, wherein said reproducing means further comprises means for reproducing an indicia of authorization to deliver said transmitted document to said second location by said disinterested party.

20. The system of claim 19, wherein said indicia comprises a postage meter stamp.

21. The system of claim 18, wherein said receiving means further comprises:

means for determining an address of said second location from information transmitted by said transmitting means.

22. The system of claim 21, wherein said reproducing means further comprises:

means for preparing a delivery container suitable for use in delivering said transmitted document, said prepared delivery container including said determined address.

23. The system of claim 17, wherein said document printer is disposed at said second location.

24. The system of claim 1, wherein said reproducing means comprises:  
means for determining a particular method of delivery of said received document to said second location; and  
means for reproducing said received document according to said determination made by said determining means.

25. The system of claim 24, wherein said determining means comprises a database of preferred delivery methods.

26. The system of claim 1, further comprising:  
means operable at least in part at said third location for sorting a plurality of transmitted documents, including said transmitted document according to a criteria selected from the group consisting of a delivery route, a recipient, a class of delivery and a sender.

27. A system for transmitting a document from a first location to a second location through a disinterested third location, said system comprising:  
means for selecting said third location discrete from said first location and said second location, said third location being associated with a party disinterested in said transmitted document;

means at least in part operable at said first location for transmitting a document and authentication information to said third location;

means at least in part operable at said third location for receiving said document and authentication information transmitted by said transmitting means, wherein said received document is in electronic form after receipt at said third location;

means operable at least in part at said third location for identifying a sender of said transmitted document through reference to said authentication information; and

means at least in part operable at said third location for reproducing for delivery to said second location said received electronic document in a plurality of different formats.

28. The system of claim 27, wherein pre-payment for transmission of said transmitted document is verified through reference to said authentication information.

29. The system of claim 28, wherein said pre-payment is deducted from a credit register stored at said first location.

30. The system of claim 28, wherein said pre-payment is deducted from a credit balance stored at said third location.

31. The system of claim 27, wherein payment for transmission of said transmitted document is accounted for through reference to said authentication information.

32. A method for dispatching a document from a sender to a selected receiver, said method comprising the steps of:  
transmitting said document from said sender; and

5 receiving said document transmitted by said transmitting step at a way location,  
wherein receipt of said electronic document at said way location includes the substeps  
of:

reproducing said received document according to a selected format to  
be delivered to said receiver;

verifying an indication of pre-payment for said document transmission;

10

and

producing a confirmation of receipt of said received electronic  
document.

33. The method of claim 32, further comprising the step of:  
time stamping transmission of said document.

34. The method of claim 32, wherein said receiving step provides the ability  
to receive a document transmitted by a plurality of different transmitting devices  
having different communication protocols.

35. The method of claim 34, wherein said transmitted document is a  
tangible hard copy.

36. The method of claim 34, wherein said transmitted document is an  
electronic transmission.

37. The method of claim 34, wherein said plurality of different transmitting  
devices include at least a general purpose computer and a facsimile transmission  
device.

38. The method of claim 32, wherein said selected format of said reproducing substep is a predefined humanly readable format.

39. The method of claim 32, wherein said selected format of said reproducing substep is a predefined electronic format.

40. The method of claim 39, wherein said preselected electronic format is a facsimile transmission.

41. The method of claim 39, wherein said preselected electronic format is an e-mail transmission.

42. The method of claim 32, wherein selected format is indicated by information transmitted with said transmitted document.

43. The method of claim 32, wherein said selected format is indicated through reference to a database.

44. The method of claim 32, wherein said transmitting step utilizes a general purpose computer operating under control of an electronic mail application.

45. The method of claim 32, wherein said transmitting step utilizes a general purpose communication device operating in combination with a communication server.

46. The method of claim 32, wherein said transmitting step utilizes a general purpose computer operating under control of a special purpose application adapted specifically for said system.

47. The method of claim 32, wherein said transmitting step utilizes a facsimile machine.

48. The method of claim 32, wherein said confirmation producing substep is not accomplished until said indication of prepayment is verified.

49. The method of claim 32, wherein said indication of prepayment is an indicia of pre-payment deducted from a credit storage device, said indicia being transmitted accompanying said transmitted document.

50. The method of claim 32, wherein said indication of pre-payment is provided by a recipient of said transmitted document.

51. The method of claim 32, further comprising the step of:  
transmitting additional information accompanying the transmission of said document.

52. The method of claim 51, wherein said additional information comprises instructions regarding the delivery of said transmitted document to said receiving location.

53. The method of claim 51, wherein said additional information comprises instructions regarding storage of a copy of said transmitted document at said way location.

54. The method of claim 32, further comprising the step of:  
determining an address of said recipient location from information included in said electronic document.

55. The method of claim 32, wherein said way location is a physical location discrete from said sender and said receiver.

56. The method of claim 55, wherein said way location is operated under control of a delivery service disinterested in said sender and said receiver.

57. A system for delivering information to a selected location from a transmitting location, said system comprising:

means at least in part operable at said transmitting location for transmitting said information to an intermediate location; and

5 means at least in part operable at said intermediate location for receiving said information transmitted by said transmitting means, wherein said receiving means comprises:

means for electronically receiving said transmitted information including means for converting said transmission to electronic form if said transmitted information is not initially in electronic form;

10 means for reproducing said information in human readable form, wherein said reproducing means also produces an indicia authorizing delivery of said human readable information to said selected location; and

15 means for producing an acknowledgement of receipt of said transmitted information.

58. The system of claim 57, wherein said intermediate location is selected according to proximity to said selected location.

59. The system of claim 58, wherein said intermediate location selection is accomplished automatically by said transmitting location through reference to address information with respect to said selected location.

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60. The system of claim 57, wherein said intermediate location is selected according to proximity to said transmitting location.

61. The system of claim 57, wherein said electronic receiving means comprises:

means for receiving electronic documents communicated utilizing different communication protocols.

62. The method of claim 61, wherein said different communication protocols include at least two protocols selected from the group consisting of:

- a standardized electronic mail protocol;
- a special purpose mail communication protocol;
- a standardized facsimile protocol;
- a standardized character based protocol; and
- a standardized packet based protocol.

63. The system of claim 57, wherein said receiving means further comprises:

means for determining delivery address information with respect to said selected location from information contained within said transmitted information.

64. The system of claim 63, wherein said receiving means further comprises:

means for verifying the accuracy of said delivery address information.

65. The system of claim 57, further comprising:



means for including ancillary information with said transmitted information, said ancillary information being suitable for use by said receiving means in delivery of said transmitted information to said selected location.

66. The system of claim 65, wherein said ancillary information comprises: means for funding the delivery of said transmitted information.

67. The system of claim 66, wherein said acknowledgement producing means includes means for transmitting said acknowledgement to said transmitting location, wherein said last mentioned transmitting means is inactive until said funding means is confirmed.

68. The system of claim 65, wherein said funding means includes at least a value data packet.

69. The system of claim 68, wherein said value is deducted from a credit stored at said transmitting location.

70. The system of claim 65, wherein said ancillary information includes a delivery address of said selected location.

71. The system of claim 70, wherein said receiving means further comprises:  
means for verifying the accuracy of said delivery address information.

72. The system of claim 65, wherein said ancillary information includes a time of transmission of said document by said transmitting means, said time being provided by a secure time piece disposed at said transmitting location.

73. The system of claim 65, wherein said ancillary information includes specific delivery information regarding the delivery of said human readable information, indicating selection of at least one delivery option of a plurality of delivery options available for delivery of said transmitted information.

74. The system of claim 57, wherein said reproducing means is operable at least in part at said selected location.

75. A system for transmitting a document from a first location for delivery to a second location, said system comprising:

means for selecting a third location discrete from said first location and said second location, said selection being based at least in part on a relative position of said third location to one of said first and said second locations;

means at least in part operable at said first location for transmitting a document to said third location, said transmitting means also transmitting information with respect to a value for delivery of said document; and

means at least in part operable at said third location for receiving said document transmitted by said transmitting means, wherein said receiving means includes:

means for receiving electronic document transmissions;

means for reproducing said received document as a physical document and an electronic document to be delivered to said second location; and

means for producing and transmitting a confirmation of receipt of said received electronic document to said first location.

76. The system of claim 75, wherein said confirmation includes information selected from the group consisting of:

document transmission information;

document sender information; and  
document recipient information.

77. The system of claim 75, wherein said receiving means is adapted to receive documents transmitted from a general purpose computer, an electronic mail system, and a facsimile machine.

78. The system of claim 75, wherein said transmission of said confirmation is accomplished subsequent to verification of said value information.

79. The system of claim 75, wherein said value information includes an indicia of credit deducted from a credit storage device coupled to said transmitting means.

80. The system of claim 79, wherein said credit storage device includes a real time clock and said transmission of said document is time stamped according to said real time clock.

81. The system of claim 75, further comprising:  
means for archiving said electronic document at said third location.

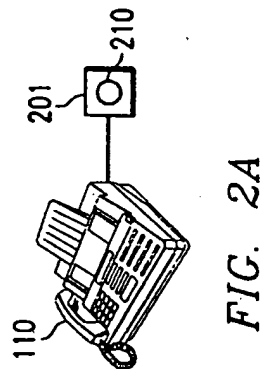
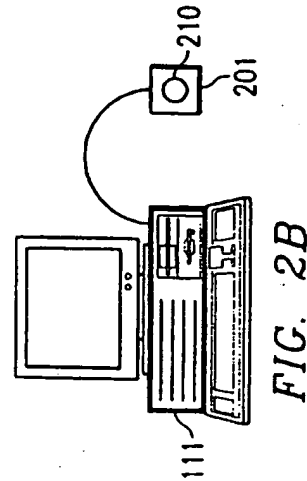
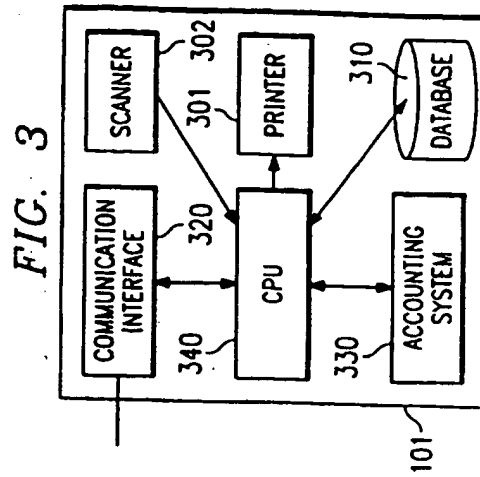
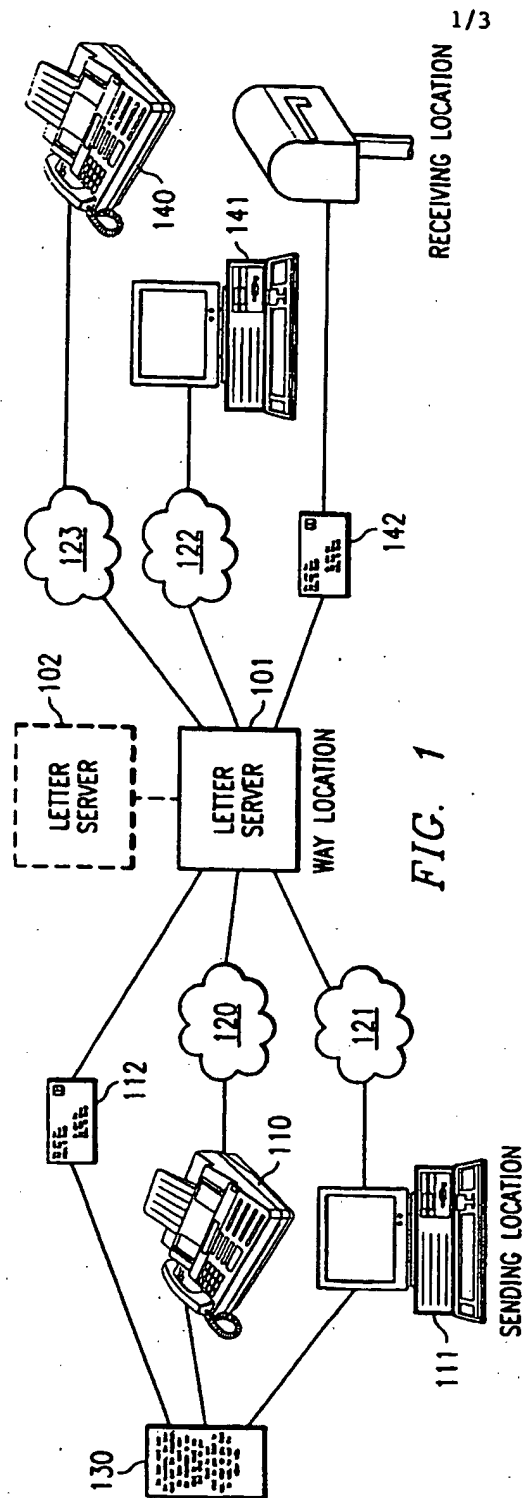
82. The system of claim 75, wherein said receiving means further comprises means for determining a physical location of said second location.

83. The system of claim 82, wherein said reproduction means further comprises means for preparing a delivery container suitable for use in delivering said reproduced document, said prepared delivery container including said determined address.

84. The system of claim 75, wherein said transmitting means and said receiving means communicate at least in part through a public communication network.

85. The system of claim 84, wherein said communication network is selected from the group consisting of:

- a public switched network;
- the Internet;
- a computer network; and
- a cable system.



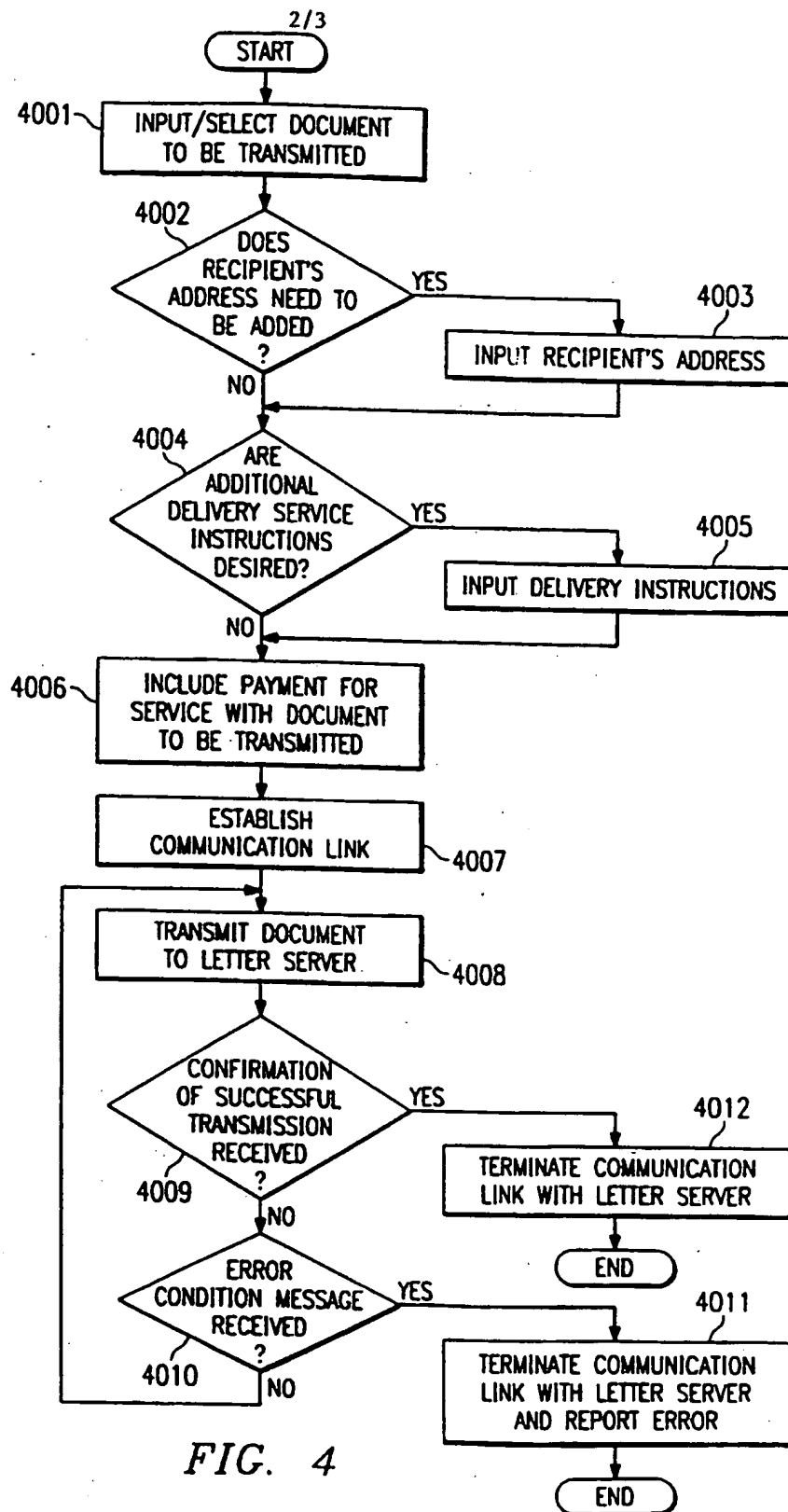
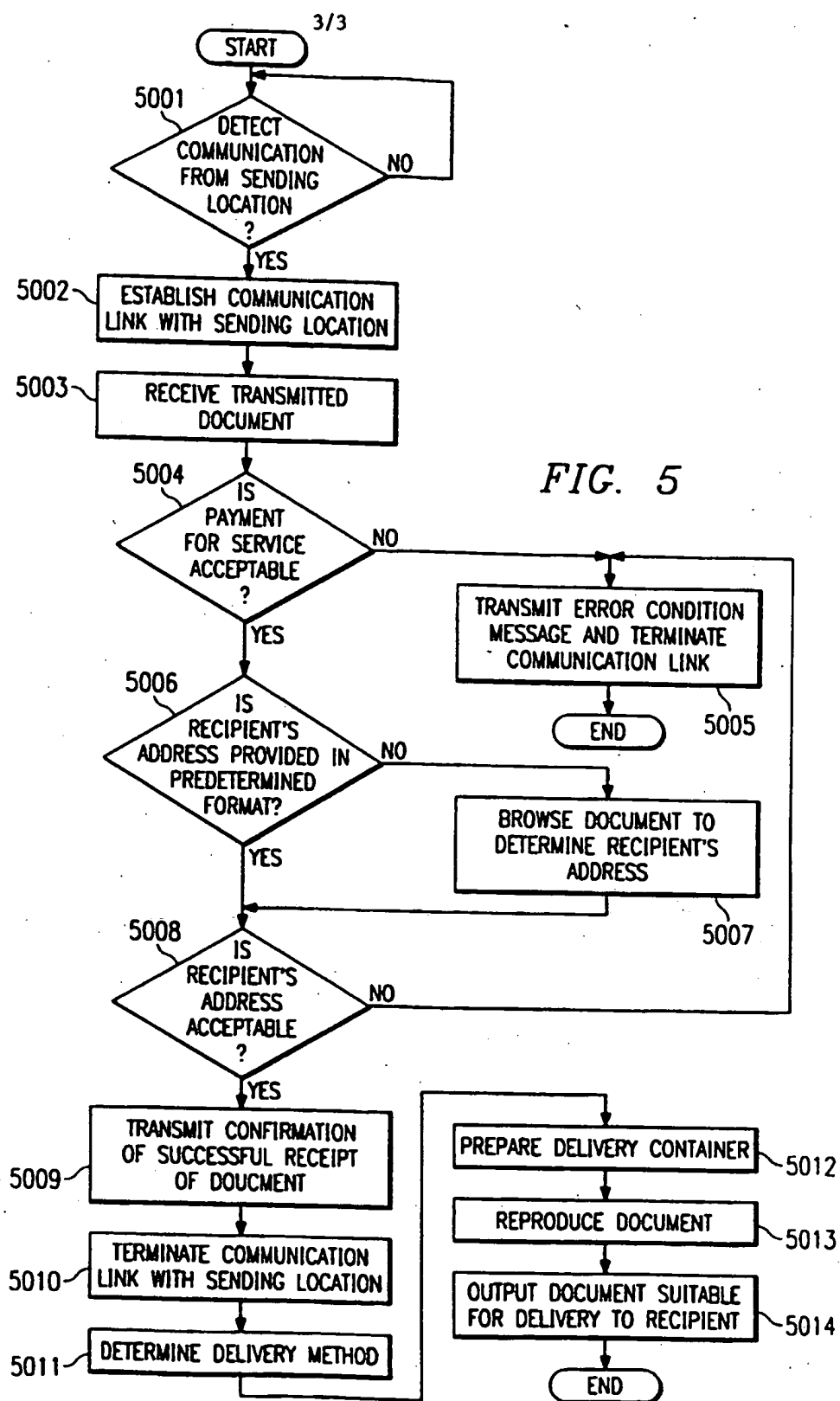


FIG. 4



# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/21946

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 H04L12/58 H04L29/06 G06F17/60

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 H04L G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	MEHMET TOY: "AT&T'S ELECTRONIC MAIL SERVICE FOR GOVERNMENT USERS-FTS2000MAIL" COMMUNICATION FOR GLOBAL USERS, INCLUDING A COMMUNICATIONS THEORY MINI CONFERENCE ORLANDO, DEC. 6 - 9, 1992, vol. 2, 6 December 1992, pages 950-957, XP000357699 INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS  see paragraph 2 - paragraph 3 see figures 2-1,2-2	1-6, 12-15, 19,21, 23,27, 28, 31-42, 44-48, 51, 54-57, 60-63, 65,70, 72,75-85
Y		17,18, 24,25, 43,58,59

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

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"&" document member of the same patent family

Date of the actual completion of the international search

11 March 1999

Date of mailing of the international search report

18/03/1999

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Authorized officer

Poggio, F



# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/21946

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 44 03 626 A (ALCATEL NETWORK SERVICES DEUTS) 10 August 1995  see abstract see column 1, line 1 - column 2, line 56 see column 3, line 21 - column 4, line 17 see column 6, line 13 - line 68 see figure 1	17,18, 24,25, 43,58,59
A		3-5, 12-16, 24,25, 53,54, 60-62, 73-85
A	"CORRELATION TABLE MECHANISM FOR AN IBM-X.400 GATEWAY" IBM TECHNICAL DISCLOSURE BULLETIN, vol. 34, no. 6, 1 November 1991, pages 123-125, XP000228374 see the whole document	1,6,27, 32,57,75
A	EP 0 483 421 A (DATA GENERAL CORP) 6 May 1992 see abstract see page 2, line 35 - page 4, line 25 see page 6, line 18 - line 26 see figures 1,6	1,27,32, 57,75
A	US 5 499 109 A (MATHUR SHARAD ET AL) 12 March 1996  see abstract see column 4, line 63 - column 5, line 52	2,10,25, 26,43, 72,80

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/21946

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 4403626 A	10-08-1995	AT 170304 T DE 59503339 D WO 9521418 A EP 0742922 A	15-09-1998 01-10-1998 10-08-1995 20-11-1996
EP 0483421 A	06-05-1992	CA 2028918 A JP 4167040 A US 5377191 A AU 6566490 A DE 69030382 D DE 69030382 T	01-05-1992 15-06-1992 27-12-1994 25-06-1992 07-05-1997 06-11-1994
US 5499109 A	12-03-1996	WO 9522865 A	24-08-1995

**RELATED PROCEEDINGS APPENDIX (37 C.F.R. §41.37(c)(1)(xi) heading)**

1. A copy of the Notice of Panel Decision from Pre-Appeal Brief Review for Application No. 09/684,871 (Attorney Docket No. PSTM0003/MRK), is attached hereto.
2. A copy of the Notice of Panel Decision from Pre-Appeal Brief Review indicating that Application No. 09/684,861 (Attorney Docket No. PSTM0024/MRK) remains on appeal, is attached hereto.
3. A copy of the Notice of Panel Decision from Pre-Appeal Brief Review indicating that Application No. 09/680,654 (Attorney Docket No. PSTM0015/MRK) remains on appeal, is attached hereto.
4. A copy of the Notice of Panel Decision from Pre-Appeal Brief Review, indicating that Application No. 09/685,077 (Attorney Docket No. PSTM0020/MRK) remains on appeal, is attached hereto.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/684,871

10/06/2000

David Allison Bennett

PSTM0003/MRK/STM

2829

29524

7590

06/07/2006

KHORSANDI PATENT LAW GROUP, A.L.C.  
140 S. LAKE., SUITE 312  
PASADENA, CA 91101-4710

EXAMINER

WEBB, JAMISUE A

ART UNIT


PAPER NUMBER

3629

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

263

<b>Application Number</b> 	<b>Application/Control No.</b> 09/684,871	<b>Applicant(s)/Patent under Reexamination</b> BENNETT ET AL.	
	John G. Weiss	<b>Art Unit</b> 3629	
<b>Document Code - AP.PRE.DEC</b>			

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 5/2/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- ☐ The panel has determined the status of the claim(s) is as follows:
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: \_\_\_\_\_
- Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☒ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) John G. Weiss

(2) Jami Webb

(3) Dean Nguyen

(4) \_\_\_\_\_



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,861	10/06/2000	Paul Bilibin	PSTM0024/MRK	2827

29524 7590 04/18/2006

KHORSANDI PATENT LAW GROUP, A.L.C.  
140 S. LAKE., SUITE 312  
PASADENA, CA 91101-4710

EXAMINER


VAN DOREN, BETH

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Application Number</b> 	<b>Application/Control No.</b> 09/684,861 Beth Van Doren	<b>Applicant(s)/Patent under Reexamination</b> BILIBIN ET AL. Art Unit 3623
<b>Document Code - AP.PRE.DEC</b>		

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 3/20/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:  
 Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 1-13 & 15-17 & 19-23.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Beth Van Doren *lwd*

(3) Tariq Hafiz *TH*

(2) Susanna Diaz *SD*

(4) \_\_\_\_\_



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,654	10/06/2000	David Allison Bennett	PSTM0015/MRK	9943

29524 7590 05/19/2006

KHORSANDI PATENT LAW GROUP, A.L.C.  
140 S. LAKE., SUITE 312  
PASADENA, CA 91101-4710

EXAMINER

WEBB, JAMISUE A


ART UNIT PAPER NUMBER

3629

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Application Number</b> 	<b>Application/Control No.</b> 09/680,654	<b>Applicant(s)/Patent under Re-examination</b> BENNETT ET AL.	
	John G. Weiss	<b>Art Unit</b> 3629	
<b>Document Code - AP.PRE.DEC</b>			

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 5/2/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
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☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-21, 26-52 and 57-70.

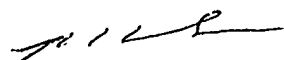
Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

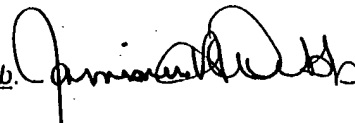
4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) John G. Weiss



(3) Jami Webb



(2) Dean Nguyen



(4) \_\_\_\_\_



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,077	10/06/2000	Paul Bilibin	PSTM0020/MRK/STM	3148
29524	7590	07/21/2006	EXAMINER	
KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			WEBB, JAMISUE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

269

<b>Application Number</b> 	<b>Application/Control No.</b> 09/685,077 John G. Weiss	<b>Applicant(s)/Patent under Reexamination</b> BILIBIN ET AL. <b>Art Unit</b> 3629	
<b>Document Code - AP.PRE.DEC</b>			

## Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 6/15/06.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:  
 Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 1-7, 58-83.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) John G. Weiss

(2) Dean Nguyen

(3) Jamisia Webb

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PATENT

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant : David Allison Bennett, et al.  
Application No. : 09/684,866  
Filed : October 6, 2000  
Title : Apparatus, Systems and Methods for Online, Multi-Carrier,  
Multi-Service Parcel Shipping Management  
Technology Center : 3600  
Grp./Div. : 3629  
Examiner : Plucinski, Jamisue A.  
Docket No. : PSTM0038/MRK

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Commissioner for Patents  
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Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312  
Pasadena, CA 91101-4710  
December 7, 2007

**APPEAL BRIEF**

This is an appeal from a final rejection of the Examiner, dated June 4, 2007, rejecting all claims currently under examination in the case, namely Claims 12, 27, 29-31, 33-36, 42, 44-45 and 49-50.

Applicants file this Appeal under 37 C.F.R. §41.31(a), all claims having been twice rejected.

The requisite fee set forth in 37 C.F.R. §41.20(b)(1) for filing a Notice of Appeal was presented with the filing of the Notice of Appeal which was filed via First Class U.S. Mail on September 4, 2007 with a Certificate of Mailing.

The requisite fee set forth in 37 C.F.R. §41.20(b)(2) for filing this Appeal Brief is presented herewith.

The U.S. Patent Office PAIR System identifies September 7, 2007 as the date on which the Notice of Appeal was received by the Patent Office. Under 37 CFR §41.37 and in accordance with MPEP §1205.01, the two-month period in which an Appeal Brief could be filed without extension ended on November 7, 2007. A Petition for an Extension of Time for one month and the corresponding fee are filed concurrently

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herewith to extend the time in which to file the Appeal Brief until December 7, 2007 in accordance with 37 CFR §§41.37(e) and 1.136. It is respectfully submitted that this Appeal Brief is timely filed within the one month extension period because it is filed before the expiration of December 7, 2007.

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**REAL PARTIES IN INTEREST (37 C.F.R. §41.37(c)(1)(i) heading)**

In an Assignment, Inventors David Allison Bennett, Lynn Schaindell Goldhaber, Paul Bilibin, Jinyue Liu, Charles D. Mentzer, Lory Elizabeth Krett, Scott Joseph Bean, Daniel F. Williams, Dennis Glavin, Stephen M. Teglovic, John M. Dietz, William W. Smith, III, Paul R. McLaughlin, Scott Meyer, Sean Hu, Harland Fred Maier Jr., and Gary Rhoe Ingram assigned the entire right, title and interest in and to the instant application to STAMPS.COM INC., as recorded by the Assignment Division of the United States Patent and Trademark Office on March 13, 2001 on Reel No. 011630 and Frame No. 0450. In a subsequent Intellectual Property Joint Ownership Agreement Notice of Assignment, STAMPS.COM INC. noticed the assignment of an undivided whole interest in common in all rights, title, and interest in and to the present application to both STAMPS.COM INC. and ISHIP INC., as recorded by the Assignment Division of the United States Patent and Trademark Office on March 26, 2004 on Reel No. 014466 and Frame No. 0275. Statements by both STAMPS.COM INC. and ISHIP INC. under 37 C.F.R. §3.73(b) are filed concurrently herewith.

ISHIP INC. is a fully owned subsidiary of UNITED PARCEL SERVICE OF AMERICA, INC., which is a fully owned subsidiary of UNITED PARCEL SERVICE, INC.

Accordingly, STAMPS.COM INC., ISHIP INC., UNITED PARCEL SERVICE OF AMERICA, INC., and UNITED PARCEL SERVICE, INC. are the real parties in interest in this case.

**RELATED APPEALS AND INTERFERENCES (37 C.F.R. §41.37(c)(1)(ii) heading)**

Applicants have not previously presented the current claim set to the Board in an Appeal Brief and there are no related appeals or interferences known to Appellants, or known to Appellants' legal representative, regarding the current claim set.

However, there is an Appeal pending in the case of related U.S. Patent Application No. 09/684,861 (Applicants Bilibin, Paul et al.; Filed October 6, 2000; Entitled "Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers"; Attorney Docket No. PSTM0024/MRK; Technology Center

3600; Group/Div. 3623; Examiner Beth Van Doren). No opinion has yet been rendered in that case.

Further, there is an Appeal pending in the case of related U.S. Patent Application No. 09/680,654 (Applicants David Allison Bennett, et al., Filed October 6, 2000; Entitled "Apparatus, Systems and Methods for Online, Multi-Carrier, Multi-Service Parcel Shipping Management Featuring Shipping Rate and Delivery Schedule Comparison for Multiple Carriers"; Attorney Docket No. PSTM0015/MRK; Technology Center 3600; Group/Div: 3629; Examiner Jamisue A. Plucinski). No opinion has yet been rendered in that case.

Yet further, there is an Appeal pending in the case of related U.S. Patent Application No. 09/685,077 (Applicants Paul Bilibin, et al., Filed October 6, 2000; Entitled "Apparatus, Systems and Methods for Online, Multi-Carrier, Multi-Service Parcel Shipping Management Determination of Ratable Weight for Multiple Carrier"; Attorney Docket No. PSTM0020/MRK; Technology Center 3600; Group/Div. 3629; Examiner Jamisue A. Plucinski). No opinion has yet been rendered in that case.

Further still, there is an Appeal pending in the case of related U.S. Patent Application No. 09/820,377 (Applicants Daniel F. Williams, et al., Filed March 27, 2001; Entitled "Apparatus, Systems and Methods for Online, Multi-Parcel, Multi-Carrier, Multi-Service Enterprise Parcel Shipping Management"; Attorney Docket No. PSTM0041/MRK; Technology Center 3600; Group/Div. 3629; Examiner Jamisue A. Plucinski). No opinion has yet been rendered in that case.

Yet further still, there is an Appeal pending in the case of related U.S. Patent Application No. 09/685,078 (Applicants David Allison Bennett, et al., Filed October 6, 2000; Entitled "Apparatus, Systems and Methods for Online, Multi-Carrier, Multi-Service Parcel Shipping Management Featuring Shipping Location Comparison Across Multiple Carriers"; Attorney Docket No. PSTM0010/MRK; Technology Center 3600; Group/Div. 3629; Examiner Jamisue A. Plucinski). No opinion has yet been rendered in that case.

An Appeal was filed in the case of related co-pending U.S. Patent Application No. 09/684,871 (Applicants David Allison Bennett, et al., Filed October 6, 2000; Entitled "Apparatus, Systems And Methods For Online, Multi-Carrier, Multi-Service Parcel Shipping Management Featuring Shipping Location Comparison Across Multiple Carriers"; Attorney Docket No. PSTM0003/MRK; Technology Center 3600; Group/Div. 3629; Examiner Jamisue A. Plucinski). The Examiner in that case has since issued a new Office Action, reopening prosecution of the application. Subsequently, another Notice of Appeal has been filed.

Prior to filing an Appeal in the case of related co-pending U.S. Patent Application No. 09/684,871 (Attorney Docket No. PSTM0003/MRK), a Pre-Appeal Brief Request for Review was filed for that application. A copy of the Notice of Panel Decision from Pre-Appeal Brief Request for Review for Application No. 09/684,871 is included in the Related Proceedings Appendix hereto.

Prior to filing an Appeal Brief in the case of the above-mentioned pending Appeal for Application No. 09/684,861 (Attorney Docket No. PSTM0024/MRK), a Pre-Appeal Brief Request for Review was filed for that application. A copy of the Notice of Panel Decision from Pre-Appeal Brief Request for Review for Application No. 09/684,861 is included in the Related Proceedings Appendix hereto.

Further, prior to filing an Appeal Brief in the case of the above-mentioned Appeal for Application No. 09/680,654 (Attorney Docket No. PSTM0015/MRK), a Pre-Appeal Brief Request for Review was filed for that application. A copy of the Notice of Panel Decision from Pre-Appeal Brief Review for Application No. 09/680,654 is included in the Related Proceedings Appendix hereto.

Yet further, prior to filing an Appeal Brief in the case of the above-mentioned Appeal for Application No. 09/685,077 (PSTM0020/MRK), a Pre-Appeal Brief Request for Review was filed for that application. A copy of the Notice of Panel Decision from Pre-Appeal Brief Review for Application No. 09/685,077 is included in the Related Proceedings Appendix hereto.

**STATUS OF CLAIMS (37 C.F.R. §41.37(c)(1)(iii) heading)**

The present application was filed on October 6, 2000, claiming priority under 37 C.F.R. §1.78(a)(4) to: U.S. Provisional Patent Application Serial No. 60/158,179, filed on October 6, 1999; U.S. Provisional Patent Application Serial No. 60/170,186, filed on December 10, 1999; U.S. Provisional Patent Application Serial No. 60/170,504, filed on December 13, 1999; U.S. Provisional Patent Application Serial No. 60/192,692, filed on March 28, 2000; U.S. Provisional Patent Application Serial No. 60/192,723, filed on March 27, 2000; U.S. Provisional Patent Application Serial No. 60/193,899, filed on March 31, 2000; and U.S. Provisional Patent Application Serial No. 60/195,748, filed on April 6, 2000.

The status of the Claims is as follows:

Allowed Claims: None.

Cancelled Claims: 1-3, 9, 17, 20-21, 24, 26, 32, 37-41, 46-48, and 53.

Withdrawn Claims: Claims 4-8, 10-11, 13-16, 18-19, 22-23, 25, 28, 43, and 51-52 were previously withdrawn; Claim 29 is hereby withdrawn; in accordance with the Manual of Patent Examining Procedure ("MPEP") §1214.05, cancellation of Claim 29 is hereby authorized.

Claims objected to: None.

Rejected Claims: 12, 27, 29-31, 33-36, 42, 44-45 and 49-50.

**Claims on Appeal: 12, 27, 30-31, 33-36, 42, 44-45 and 49-50.**

**STATUS OF AMENDMENTS (37 C.F.R. §41.37(c)(1)(iv) heading)**

No amendments subsequent to the final Office Action, dated June 4, 2007, have been filed. However, as noted above, Claim 29 is hereby withdrawn; in accordance with MPEP §1214.05, cancellation of Claim 29 is hereby authorized.

**SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37(c)(1)(v) heading)**

The Claims on Appeal are Claims 12, 27, 30-31, 33-36, 42, 44-45 and 49-50. Of the Claims on appeal, Claims 12, 27, 30-31, 33-36, 42, 44 and 49-50 are independent. It is respectfully submitted that none of the Claims on appeal are means plus function claims.

In compliance with 37 C.F.R. § 41.37(c)(1)(v), the subject matter of the independent claims on appeal is explained below with citations to the Specification of the present application ("Specification") as disclosed with respect to exemplary embodiments. Unless otherwise specified, citations below to the Specification are to page and line numbers of the application as originally filed.

**Claim 12**

Independent Claim 12 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 12 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27.

Claim 12 recites that the claimed shipping management computer system is programmed for, among other things, "... collecting from a second user, a request that a first user ship a particular parcel from the first user to the second user ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 12 are described in the Specification. See, e.g., Specification, p. 12, line 26 – p. 13, line 16; Specification, p. 57, lines 13-19.

Claim 12 further recites that the claimed shipping management computer system is programmed for, among other things, "... according to the request by the second user, collecting, from the first user via a first computer device, a set of information comprising: (A) parcel specifications for shipping the particular parcel to the second user, (B) an origin address associated with the particular parcel, and (C) shipping preferences for shipping the particular parcel to the second user ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned

recitations by Claim 12 are described in the Specification. See, e.g., Specification, p. 65, line 22 – p. 66, line 26; Specification, p. 25, line 6 – p. 26, line 10; Specification, p. 66, lines 17-26.

Claim 12 further recites that the claimed shipping management computer system is programmed for, among other things, "... collecting, from the second user via a second computer device, a set of recipient information comprising: (A) a destination address for the second user to which the particular parcel is to be shipped from the first user, (B) an identification of a carrier to be used in shipping the package to the second user, and (C) a delivery service by which the carrier is to ship the package to the second user ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 12 are described in the Specification. See, e.g., Specification, p. 43, line 27 – p. 44, line 8; Specification, p. 67, line 4 – p. 69, line 3; Specification, p. 40, line 12 – p. 44, line 17.

Claim 12 further recites that the claimed shipping management computer system is programmed for, among other things, "... calculating a shipping rate to be charged for having the carrier ship the particular parcel from the origin address to the destination address via the delivery service ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 12 are described in the Specification. See, e.g., Specification, p. 69, line 4 – p. 70, line 23.

Claim 12 further recites that the claimed shipping management computer system is programmed for, among other things, "... displaying the shipping rate to a display device selected from a group consisting of: (A) a first display device that is in communication with the first computer device, and (B) a second display device that is in communication with the second computer device, wherein: said shipping rate is calculated according to: (A) the parcel specifications and the origin address input by the first user, and (B) the destination address, the selection of the carrier, and the selection of the delivery service input by the second user." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 12 are described in the Specification. See, e.g., Specification, p. 69, line 4 – p. 70, line 23;

Specification, p. 63, line 18 – p. 64, line 17.

### **Claim 27**

Independent Claim 27 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 27 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27.

Claim 27 recites that the claimed shipping management computer system is programmed to, for each particular respective parcel of a plurality of parcels, among other things, "... (A) receive from a particular user: 1) an indication of a selection of a default shipping location associated with the particular user, wherein said default shipping location comprises an identification of a location to which the particular user will drop off parcels to be shipped, and wherein the default shipping location is selected from a plurality of default shipping location alternatives ...." It is respectfully submitted that various non-limiting, exemplary embodiments of the aforementioned recitations of Claim 27 are described in the Specification. See, e.g., Specification, p. 22, line 4 – p. 24, line 2; Specification, p. 28, line 19 – p. 30, line 14.

Claim 27 further recites that the claimed shipping management computer system is programmed to, for each particular respective parcel of a plurality of parcels, among other things, "... receive from a particular user: ... 2) a set of parcel specifications for the particular parcel ...." It is respectfully submitted that various non-limiting, exemplary embodiments of the aforementioned recitations of Claim 27 are described in the Specification. See, e.g., Specification, p. 28, lines 10-18.

Claim 27 further recites that the claimed shipping management computer system is programmed to, for each particular respective parcel of a plurality of parcels, among other things, "... for each respective carrier of a plurality of carriers, apply a respective set of carrier-specific shipping location rules to the default shipping location to determine which of said plurality of carriers would support shipping the particular parcel from the default shipping location ...." It is respectfully submitted that various non-



limiting, exemplary embodiments of the aforementioned recitations of Claim 27 are described in the Specification. See, e.g., Specification, p. 51, lines 18-25; Specification, p. 36, line 26 – p. 37, line 1; Specification, p. 62, lines 10-19.

Claim 27 further recites that the claimed shipping management computer system is programmed to, for each particular respective parcel of a plurality of parcels, among other things, "... generate a display that includes a listing of each of the plurality of carriers that would support shipping the particular parcel from the default shipping location ...." It is respectfully submitted that various non-limiting, exemplary embodiments of the aforementioned recitations of Claim 27 are described in the Specification. See, e.g., Specification, p. 51, line 18 - p. 52, line 16; Specification, p. 36, line 7 – p. 37, line 1.

Claim 27 further recites, among other things, "... wherein ... said shipping management computer system is configured for access by a plurality of users ...." It is respectfully submitted that various non-limiting, exemplary embodiments of the aforementioned recitations of Claim 27 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 27 further recites, among other things, "... wherein ... each of said plurality of users accesses said shipping management computer system via a global communications network using a respective user client computer device." It is respectfully submitted that various non-limiting, exemplary embodiments of the aforementioned recitations of Claim 27 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

### **Claim 30**

Independent Claim 30 is directed to a shipping management computer system comprising at least one computer device. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 30 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 30 recites that the claimed shipping management computer system is programmed for, among other things, "... receiving a set of parcel specifications for a particular parcel to be shipped by a first user to a second user ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 65, line 22 – p. 66, line 26; Specification, p. 25, line 6 – p. 26, line 10; Specification, p. 66, lines 17-26.

Claim 30 further recites that the set of parcel specifications comprises "... an origin address, and ... at least one of: a parcel type, a set of parcel dimensions, a package weight, or a value of the particular parcel ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 28, line 10 – p. 30, line 14.

Claim 30 further recites that the claimed shipping management computer system is programmed for, among other things, "... receiving a set of recipient information for a delivery of the particular parcel to the second user, said set of recipient information comprising: (1) a delivery address to which the particular parcel is to be delivered, (2) a delivery service by which the particular parcel is to be delivered to the delivery address, and (3) a carrier that is to deliver the particular parcel to the delivery address ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 43, line 27 – p. 44, line 8; Specification, p. 67, line 4 – p. 69, line 3; Specification, p. 40, line 12 – p. 44, line 17.

Claim 30 further recites that the claimed shipping management computer system is programmed for, among other things, "...calculating a shipping rate for shipping the particular parcel from the origin address to the delivery address via said delivery service and said carrier, wherein said computer system is configured to calculate the shipping rate according to at least: (1) said parcel specifications; (2) said delivery address; (3) said delivery service; and (4) said carrier ...." It is respectfully asserted that various

non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 54, line 9 – p. 57, line 19; Specification, p. 69, line 4 – p. 70, line 23.

Claim 30 further recites that the claimed shipping management computer system is programmed for, among other things, “...displaying the shipping rate to at least one display device selected from a group consisting of: (1) a first display device in communication with a first user client computer device, and (2) a second display device in communication with a second user client computer device ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 69, line 4 – p. 70, line 23; Specification, p. 63, line 18 – p. 64, line 17.

Claim 30 further recites that “... said set of parcel specifications is input by the first user via the first user client computer device ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 65, line 22 – p. 66, line 26; Specification, p. 25, line 6 – p. 26, line 10; Specification, p. 66, lines 17-26.

Claim 30 further recites that “... said first user accesses the shipping management computer system via a global communications network using the first user client computer device ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 30 further recites that “... said set of recipient information is input by the second user via the second user client computer device ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 43, line 27 – p. 44, line 8; Specification, p. 67, line 4 – p. 69, line 3.

Claim 30 further recites that “... said second user accesses the shipping management computer system via the global communications network using the second user client computer device.” It is respectfully asserted that various non-limiting,

exemplary embodiments of the aforementioned recitations by Claim 30 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

### **Claim 31**

Independent Claim 31 is directed to a server-based shipping management computer system comprising at least one computer device. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 31 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 31 recites that the claimed server-based shipping management computer system is programmed to, among other things, "... communicate with a plurality of client computer devices via a global communications network ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 31 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 31 further recites that the claimed server-based shipping management computer system is programmed to, among other things, "... for each of said plurality of client computer devices: ... send executable program instructions to the client computer device to: ... instruct the client computer device to recognize a measured weight of a particular parcel, said weight being measured by a digital scale configured with the client computer device, and ... instruct the client computer device to communicate the measured weight to the shipping management computer system via the global communications network ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 31 are described in the Specification. See, e.g., Specification, p. 30, line 25 – p. 33, line 13.

Claim 31 further recites that the claimed server-based shipping management computer system is programmed to, among other things, "... receive the measured weight communicated by the user client computer device; .... calculate at least one

shipping rate for shipping the parcel according to at least the measured weight; and ... display the shipping rate to a display device in communication with the client computer device.” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 31 are described in the Specification. See, e.g., Specification, p. 30, line 25 – p. 33, line 13; Specification, p. 36, line 7 – p. 39, line 2; Specification, p. 40, lines 12-17.

### **Claim 33**

Independent Claim 33 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 33 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 33 recites that the claimed shipping management computer system is programmed for, among other things, “... communicating remotely with a plurality of user client computer devices via a network communications protocol ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 33 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 33 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each of said client computer devices: ... receiving a request, from a user associated with the client computer device, to ship a particular parcel, wherein said request comprises: ... an origin identifier corresponding to a location from which the particular parcel is to be shipped, ... a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped, and ... a set of parcel specifications for the particular parcel ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 33 are described in the Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8.

Claim 33 further recites that the claimed shipping management computer system is programmed for, among other things, "... identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 33 are described in the Specification. See, e.g., Specification, p. 51, lines 18-25; Specification, p. 36, line 26 – p. 37, line 1.

Claim 33 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each particular one of said plurality of carriers: ... calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications, and ... calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications; and ... displaying, to a display device configured with the client computer device, a simultaneous preview of each shipping rate calculated ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 33 are described in the Specification. See, e.g., Specification, p. 51, line 18 - p. 52, line 16; Specification, p. 36, line 7 – p. 37, line 1; Specification, p. 54, line 9 – p. 57, line 19.

#### **Claim 34**

Independent Claim 34 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 34 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 34 recites that the claimed shipping management computer system is programmed for, among other things, "... communicating remotely with a plurality of

user client computer devices via a network communications protocol ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 34 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 34 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each of said plurality of client computer devices: ... receiving, from a user associated with the client computer device, a request to ship a particular parcel, wherein said request comprises: ... an origin identifier corresponding to a location from which the particular parcel is to be shipped, ... a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped, and ... a set of parcel specifications for the particular parcel ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 34 are described in the Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8.

Claim 34 further recites that the claimed shipping management computer system is programmed for, among other things, “... identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 34 are described in the Specification. See, e.g., Specification, p. 51, lines 18-25; Specification, p. 36, line 26 – p. 37, line 1.

Claim 34 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each particular one of said plurality of carriers: ... calculating a first service-specific, carrier-specific shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and a set of rules for the first delivery service, and ... calculating a second service-specific, carrier-specific shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to the

origin identifier, the delivery destination identifier, the set of parcel specifications, and a set of rules for the second delivery service; and ... displaying, to a display device configured with the client computer device, a simultaneous online comparison comprising each service-specific, carrier specific shipping rate calculated ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 34 are described in the Specification. See, e.g., Specification, p. 51, line 18 - p. 52, line 16; Specification, p. 36, line 7 – p. 37, line 1; Specification, p. 54, line 9 – p. 57, line 19.

### **Claim 35**

Independent Claim 35 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 35 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 35 recites that the claimed shipping management computer system is programmed for, among other things, “... communicating remotely with a plurality of user client computer devices via a network communications protocol ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 35 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 35 further recites that the claimed shipping management computer system is programmed for, among other things, “...receiving a request, from a user associated with said client computer device, to ship a particular parcel, wherein said request comprises: ... an origin identifier corresponding to a location from which the particular parcel is to be shipped, ... a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped, and ... a set of parcel specifications for the particular parcel ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 35 are described in the



Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8.

Claim 35 further recites that the claimed shipping management computer system is programmed for, among other things, "... identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 35 are described in the Specification. See, e.g., Specification, p. 51, lines 18-25; Specification, p. 36, line 26 – p. 37, line 1.

Claim 35 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each particular one of said plurality of carriers: ... determining a first service-specific, carrier-specific delivery schedule according to which said particular carrier would deliver said particular parcel via a first delivery service, said shipping management computer system being configured to determine said first service-specific, carrier-specific delivery schedule according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and at least one service-specific, carrier specific delivery schedule rule associated with said first delivery service, and ... determining a second service-specific, carrier-specific delivery schedule according to which said particular carrier would deliver said particular parcel via a second delivery service, said shipping management computer system being configured to determine said second service-specific, carrier-specific delivery schedule according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and at least one service-specific, carrier-specific delivery schedule rule associated with said second delivery service ... and ... displaying, to a display device configured with the client computer device, a simultaneous online comparison comprising each service-specific, carrier specific delivery schedule determined ... above." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 35 are described in the Specification. See, e.g., Specification, p. 51, line 18 - p. 52, line 16; Specification, p. 36, line 7 – p. 37, line

1; Specification, p. 54, line 9 – p. 57, line 19.

### **Claim 36**

Independent Claim 36 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 36 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 36 recites that the claimed shipping management computer system is programmed for, among other things, "... communicating remotely with a plurality of user client computer devices via a network communications protocol ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 36 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 36 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each of said user client computer devices: ... receiving, from the user client computer device, a request to ship a particular parcel, said request including a request that a delivery notification service be implemented in association with the shipment of the particular parcel ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 36 are described in the Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8; Specification, p. 35, lines 2-22.

Claim 36 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each of said user client computer devices: ... in response to said request: ... for each carrier-specific delivery service offered by each respective carrier of a plurality of carriers, determine whether the respective carrier-specific delivery service would provide delivery notification for delivering the particular parcel, and ... displaying to a display device configured with the

client computer device, an identification of each carrier-specific delivery service of each respective carrier of the plurality of carriers that would provide the delivery notification service.” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 36 are described in the Specification. See, e.g., Specification, p. 61, lines 9-28; Specification, p. 51, line 18 – p. 52, line 16; Specification, p. 54, line 9 – p. 57, line 19.

#### **Claim 42**

Independent Claim 42 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 42 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 42 recites that the claimed shipping management computer system is programmed for, among other things, “... communicating remotely with a plurality of user client computer devices via a network communications protocol ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 42 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 42 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each of said client computer devices: ... receiving a request, from a user associated with said client computer device, to ship a particular parcel, wherein said request comprises: ... an origin identifier corresponding to a location from which the particular parcel is to be shipped; ... a delivery destination identifier corresponding to a location to which the particular parcel is to be shipped; and ... a set of parcel specifications for the particular parcel ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 42 are described in the Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8; Specification, p. 35, lines 2-22.

Claim 42 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each of said client computer devices: ... identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 42 are described in the Specification. See, e.g., Specification, p. 58, line 25 - p. 63, line 15; Specification, p. 54, line 9 – p. 57, line 19.

Claim 42 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each of said client computer devices: ... for each particular one of said plurality of carriers: ... calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications, and ... calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to according to the origin identifier, the delivery destination identifier, and the set of parcel specifications ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 42 are described in the Specification. See, e.g., Specification, p. 58, line 25 - p. 63, line 15; Specification, p. 54, line 9 – p. 57, line 19.

Claim 42 further recites that the claimed shipping management computer system is programmed for, among other things, "... displaying to a display device configured with the client computer device, a simultaneous online comparison comprising each respective shipping rate determined ... above, wherein ... each of said respective shipping rates corresponds to a particular respective service offered by a particular respective carrier for delivering the respective parcel by a particular time on a particular day." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 42 are described in the Specification. See, e.g., Specification, p. 58, line 25 - p. 63, line 15; Specification, p. 54, line 9 – p. 57, line 19.

**Claim 44**

Independent Claim 44 is directed to an online interactive shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 44 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 44 recites that the claimed online interactive shipping management computer system is programmed for, among other things, "... receiving a set of data input by a particular user via a particular remote user client computer device, wherein the set of data input comprises at least one data item selected from the group consisting of: a set of parcel specifications for a particular parcel, and a set of shipping specifications for shipping the particular parcel, wherein the set of shipping specifications comprises an origin identifier and a destination identifier ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 44 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4; See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8; Specification, p. 35, lines 2-22.

Claim 44 further recites that the claimed online interactive shipping management computer system is programmed for, among other things, "... determining a set of rating and scheduling information in response to the set of data ...." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 44 are described in the Specification. See, e.g., Specification, p. 58, line 25 - p. 63, line 15; Specification, p. 51, line 18 - p. 52, line 16; Specification, p. 36, line 7 – p. 37, line 1; Specification, p. 54, line 9 – p. 57, line 19.

Claim 44 further recites that the claimed online interactive shipping management computer system is programmed for, among other things, "... generating a displayable interactive user interface adapted for displaying the rating and scheduling information, wherein the displayable interactive user interface comprises: ... at least one data

collection field initialized with a data item from the set of data input by the particular user; ... the set of rating and scheduling information; and ... an executable set of instructions for regenerating the interactive user interface display in response to a user modification of data in the at least one data collection field.” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 44 are described in the Specification. See, e.g., Specification, p. 58, line 25 - p. 63, line 15; See, e.g., Specification, p. 63, line 17 - p. 65, line 18.

#### **Claim 49**

Independent Claim 49 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 49 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 49 recites that the claimed shipping management computer system is programmed for, among other things, “... communicating with a plurality of remote client computer devices ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 49 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 49 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each particular one of said plurality of remote client computer devices: ... receiving a request, via said particular remote client computer device, to ship a particular parcel, said request comprising a set of parcel characteristics ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 49 are described in the Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8; Specification, p. 35, lines 2-22.

Claim 49 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each particular one of said plurality of

remote client computer devices: ... using said set of parcel characteristics and a first set of carrier-specific weight calculation rules to derive a first carrier-specific ratable weight for said particular parcel ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 49 are described in the Specification. See, e.g., Specification, p. 55, lines 5-27.

Claim 49 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each particular one of said plurality of remote client computer devices: ... using said set of parcel characteristics and a second set of carrier-specific weight calculation rules to derive a second carrier-specific ratable weight for said particular parcel ... using said first carrier-specific ratable weight to determine whether a first carrier would support shipping the particular parcel, and, if the first carrier would support shipping the particular parcel, calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by the first carrier and calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by the first carrier ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 49 are described in the Specification. See, e.g., Specification, p. 55, lines 5-27.

Claim 49 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each particular one of said plurality of remote client computer devices: ... using said second carrier-specific ratable weight to determine whether a second carrier would support shipping the particular parcel, and, if the second carrier would support shipping the particular parcel, calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by the second carrier and calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by the second carrier ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 49 are described in the Specification. See, e.g., Specification, p. 55, lines 5-27.

Claim 49 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each particular one of said plurality of

remote client computer devices: ... displaying to a display device in communication with the remote client computer device, a simultaneous cross-comparison of the first, second, third and fourth service-specific, carrier specific shipping rates.” See, e.g., Specification, p. 58, line 25 - p. 63, line 15; See, e.g., Specification, p. 63, line 17 - p. 65, line 18.

### **Claim 50**

Independent Claim 50 is directed to a shipping management computer system. It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned subject matter of Claim 50 are described in the Specification. See, e.g., Specification, Title; Specification, Abstract; Specification, p. 2, lines 24-27; Specification, p. 14, line 25 – p. 17, line 4.

Claim 50 recites that the claimed shipping management computer system is programmed for, among other things, “... communicating with a plurality of user client computer devices via a network communications protocol ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 49 are described in the Specification. See, e.g., Specification, p. 14, line 25 – p. 17, line 4.

Claim 50 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each of said plurality of user client computer devices: ... receiving a request, via said client computer device, to ship a particular parcel, said request comprising: ... an origin postal code for said particular parcel, ... a destination postal code for said particular parcel, and ... a respective set of parcel specifications for the particular parcel ....” It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 50 are described in the Specification. See, e.g., Specification, p. 11, line 23 – p. 12, line 17; Specification, p. 57, line 20 – p. 60, line 8; Specification, p. 35, lines 2-22.

Claim 50 further recites that the claimed shipping management computer system is programmed for, among other things, “... for each of said plurality of user client



computer devices: ... in response to receiving the request: ... determining a first carrier-specific origin rating zone identifier that a first carrier would associate with the origin postal code; ... determining a second carrier-specific origin rating zone identifier that a second carrier would associate with the origin postal code; ... determining a first carrier-specific destination rating zone identifier that said first carrier would associate with the destination postal code; ... determining a second carrier-specific destination rating zone identifier that said second carrier would associate with the destination postal code; ... ." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 50 are described in the Specification. See, e.g., Specification, p. 55, lines 13-27.

Claim 50 further recites that the claimed shipping management computer system is programmed for, among other things, "... for each of said plurality of user client computer devices: ... in response to receiving the request: ... calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by said first carrier according to at least the first carrier-specific origin rating zone, the first carrier-specific destination rating zone, and the set of parcel specifications; ... calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by said first carrier according to at least the first carrier-specific origin rating zone, the first carrier-specific destination rating zone, and the set of parcel specifications; ... calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by said second carrier according to at least the second carrier-specific origin rating zone, the second carrier-specific destination rating zone, and the set of parcel specifications; and ... calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by said second carrier according to at least the second carrier-specific origin rating zone, the second carrier-specific destination rating zone, and the set of parcel specifications." It is respectfully asserted that various non-limiting, exemplary embodiments of the aforementioned recitations by Claim 50 are described in the Specification. See, e.g., Specification, p. 55, lines 13-27; e.g., Specification, p. 58, line 25 - p. 63, line 15; Specification, p. 53,

line 9 – p. 57, line 19.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R.**

**§41.37(c)(1)(vi) heading)**

**SECTION 102(e) REJECTIONS**

In the Office Action, Claims 12 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kara et al. (PCT Publication No. WO 99/21330, "Kara II"). Office Action, Topic Nos. 2-3, pgs. 2-3.

In the Office Action, Claims 27 and 50 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kara et al., (U.S. Patent No. 6,233,568; "Kara"). Office Action, Topic Nos. 4-7, pgs. 3-5.

In the Office Action, Claims 44 and 45 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nicholls (U.S. Patent No. 5,485,369, "Nicholls"). Office Action, Topic Nos. 8-10, pgs. 5-6.

**SECTION 103(a) REJECTIONS**

In the Office Action, Claims 29, 31 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls in view of Kara. Office Action, Topic Nos. 13-15, pgs. 7-8.

In the Office Action, Claims 29, 31, and 49 were expressly rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls in view of Kara and Thiel (U.S. Patent No. 5,699,258, "Thiel"). Office Action, Topic No. 16, pg. 8.

Subsequent to the rejection of Claims 29, 31, and 49, the Office Action discusses Claims 33, 34, 35 and 42 with respect to Nicholls. Office Action, Topic No. 17, p. 8. The Kara and Thiel references are subsequently discussed, however, it is unclear whether the Office Action is specifically addressing the limitations of Claims 33, 34, 35 and 42, or whether the Office Action is addressing the rejection of Claims 29, 31 and 49.

The Office Action included independent Claims 33, 34, 35 and 42 in the list on the Office Action cover page as having been rejected. However, the Office Action does

not expressly state grounds for the rejection of either independent Claims 33, 34, 35 and 42. The Office Action discusses the Nicholls reference with respect to independent Claims 33, 34, 35 and 42. See Office Action, Topic No. 17, p. 8. Subsequent to the discussion of Nicholls with respect to independent Claims 33, 34, 35, and 42, the Office Action discusses the Kara and Thiel references. See Office Action, Topic Nos. 18-20, pgs. 9-10. For purposes of this Appeal, the discussion in the Office Action concerning the Kara and Thiel references subsequent to the discussion of Nicholls with respect to independent Claims 33, 34, 35, and 42, is taken to mean that Claims 33, 34, 35 and 42 were rejected under Section 103(a) as being unpatentable over Nicholls in view of Kara and Thiel.

Subsequent to the rejection of Claims 29, 31, and 49, the Office Action discusses Nicholls with respect to Claim 49 (Office Action, Topic No. 21, p. 10) and then discusses the Kara and Thiel references (Office Action, Topic Nos. 22-24, pgs. 10-12).

Subsequent to the rejection of Claims 29, 31 and 49, the Office Action discusses Nicholls with respect to Claim 36 (Office Action, Topic No. 25, p. 12) and then discusses the Kara and Thiel references (Office Action, Topic Nos. 25-29, pgs. 12-14). The Office Action also mentions a reference identified in the Office Action only as "Fisher." Office Action, Topic Nos. 26-27, pgs. 12-13. In a previous Office Action, a reference named "Fisher" was identified as U.S. Patent No. 6,047,264 ("Fisher"). The reference in the present Office Action to "Fisher" is taken to refer, therefore, to U.S. Patent No. 6,047,264. For purposes of this Appeal, the discussion in the Office Action concerning the Kara, Thiel, and Fisher references subsequent to the discussion of Nicholls with respect to independent Claim 36, is taken to mean that Claim 36 was rejected under Section 103(a) as being unpatentable over Nicholls in view of Kara, Thiel, and Fisher.

For convenient reference, copies of Nicholls, Kara, Kara II, Thiel, and Fisher are included in the Evidence Appendix hereto.

**Issue 1 Regarding the Rejection of Independent Claims 12 and 30 under 35 U.S.C. § 102(e) as being anticipated by Kara II**

**Issue 2 Regarding the Rejection of Independent Claim 27 Under 35 U.S.C. § 102(e) as Being Anticipated by Kara**

**Issue 3 Regarding the Rejection of Independent Claim 50 under 35 U.S.C. § 102(e) as Being Anticipated by Kara**

**Issue 4 Regarding the Rejections of Independent Claim 44 (and Therefore Also Dependent Claim 45) under 35 U.S.C. § 102(e) as Being Anticipated by Nicholls**

**Issue 5 Regarding the Rejection of Independent Claim 31 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in view of Kara and as Being Unpatentable over Nicholls in View of Kara and Thiel**

**Issue 6 Regarding the Rejection of Independent Claim 49 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in view of Kara and as Being Unpatentable over Nicholls in view of Kara and Thiel**

**Issue 7 Regarding the Rejection of Independent Claims 33 and 34 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in View of Kara and Thiel**

**Issue 8 Regarding the Rejection of Independent Claims 35 and 42 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in View of Kara and Thiel**

**Issue 9 Regarding the Combination of Fisher With Nicholls as a Basis for the Rejection of Independent Claim 36 Under 35 U.S.C. §103(a)**

**ARGUMENT (37 C.F.R. §41.37(c)(1)(vii) heading)**

**Issue 1 Argument Regarding the Rejection of Independent Claims 12 and 30 under 35 U.S.C. § 102(e) as being anticipated by Kara II: the Characterizations of Kara II Fail to Fully Reflect all of the Limitations of Claims 12 and 30 and There is No Disclosure in Kara II of a Recipient Providing Destination Address Information or of the Kara II System Collecting Destination Address Information from a Recipient (37 C.F.R. §41.37(c)(1)(vii) subheading)**

For the reasons explained below, it is respectfully asserted that the rejections by the Office Action of Claims 12 and 30 reflect a perception of what is today commonplace, not a view of the recited functional limitations from the perspective of someone with ordinary skill in the art **at the time the invention was made**. Consequently, as compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, it is respectfully asserted that the rejections fail to cite support for any disclosure, anticipation, teaching or suggestion by any reference or combination of reference of record for each of the limitations recited by Claims 12 and 30. In particular, as further explained below, it is respectfully asserted that the characterizations by the Office Action of the Kara II reference fail to fully reflect all of the limitations of Claims 12 and 30 and further, that there is no disclosure in Kara II of the claimed limitations of a recipient providing destination address information or of the Kara II system collecting destination address information from a shipping recipient.

In rejecting Claims 12 and 30, the Office Action posits that Kara II discloses, among other things, "[c]ollecting from a user, parcel specifications ... shipping preferences for a particular parcel ..., the parcel specification includes an origin address (Kara discloses the use of delivery address, return addresses, which the examiner considers to be an origin address, ... and a parcel type, ...." Office Action, Topic No. 3.b, p. 2.

In rejecting Claims 12 and 30, the Office Action further posits that Kara II discloses, among other things:

Collecting, from a second user, destination address which includes a zip code (Kara discloses providing a delivery service with information as to how the documents should be delivered, and delivery preferences, which includes service as well as address (Page 14, lines 13-28, the recipient discloses whether the mail is sent via physical mail, or electronic mail, therefore different carriers, and that information would include which carrier would deliver the mail (see abstract)....

Office Action, Topic No. 3.c, pgs. 2-3.

The Office Action further asserts that “[w]here the information is being obtained, whether it is from a first user, third user or second user, it is still collecting the information from an outside source, then processing the information the same way. Therefore the limitation of collecting a request from a ‘second user’ is not considered to be a functional limitation, due to the fact that the software would run the same regardless of if the request was coming from a first user or a second user.” Office Action, Topic No. 31, p. 14.

For the following reasons and authorities, Applicant(s) respectfully disagree that the above-cited characterizations by the Office Action of Kara II fully reflect all of the limitations of Claims 12 and 30 regarding collecting input from users, and respectfully request that the rejection of Claims 12 and 30 be reversed, and that Claims 12 and 30 be reconsidered and allowed.

It is respectfully asserted that the Office Action’s above-cited characterizations of Kara II merely show input by a first user and input by a second user. As distinguished from the Office Action’s above-cited characterizations of Kara II, amended Claim 12, for example, recites:

... collecting from a second user, a request that a first user ship a particular parcel from the first user to the second user ...

To ascertain the meaning of the terms “second user,” and “first user,” as those terms are used in independent Claims 12 and 30, it respectfully asserted that it is proper

to consider the claims and the Specification of the present patent application. See, e.g., Markman v. Westview Instruments, Inc., 52 F.3d 967, 979, 34 U.S.P.Q.2D (BNA) 1321, 1329 (Fed. Cir. 1995) (*in banc*), *aff'd*, 517 U.S. 370 (1996) ("To ascertain the meaning of claims, we consider three sources: The claims, the specification, and the prosecution history." (citations omitted)).

It is respectfully asserted that, in view of the language of independent Claim 12, the claimed second user is properly interpreted to be a recipient. In particular, Claim 12 recites that "... a request [by a second user] that a first user ship a particular parcel from the first user to the second user." Other language of Claim 12 further supports that the claimed second user is properly interpreted to be a recipient. In particular, Claim 12 further recites:

... collecting, from the second user via a second computer device, a set of recipient information comprising: (A) a destination address for the second user to which the particular parcel is to be shipped from the first user, (B) an identification of a carrier to be used in shipping the package to the second user, and (C) a delivery service by which the carrier is to ship the package to the second user ...

Further, it is respectfully asserted that, in view of the language of independent Claim 12, the claimed first user is properly interpreted to be a shipper, or shipping user. In particular, Claim 12 recites that "... a first user ship a particular parcel from the first user to the second user." Other language of Claim 12 further supports that the claimed first user is properly interpreted to be a shipping user, or shipper. In particular, Claim 12 further recites:

... according to the request by the second user, collecting, from the first user via a first computer device, a set of information comprising: (A) parcel specifications for shipping the particular parcel to the second user, (B) an origin address associated with the particular parcel, and (C) shipping preferences for shipping the particular parcel to the second user ...

Similar to Claim 12, as distinguished from the Office Action's above-cited characterizations of Kara II, Claim 30 claims receiving recipient information from a second user (such as, for example, the buying user referred to above), who is to be the

recipient of a parcel (such as, for example, the purchased item referred to above) to be shipped, and receiving parcel specifications from a first user (such as, for example, the selling user referred to above) that will ship the parcel to the second user. In particular, Claim 30 recites:

- (A) receiving a set of parcel specifications for a particular parcel to be shipped by a first user to a second user ...
- (B) receiving a set of recipient information for a delivery of the particular parcel to the second user ... wherein ...
  - said set of parcel specifications is input by the first user via the first user client computer device ...
  - said set of recipient information is input by the second user via the second user client computer device ...

It is respectfully asserted that Kara II fails to disclose the above-recited limitations of Claims 12 and 30. In considering distinctions between the claimed invention and Kara II, it is respectfully submitted that the abstract of Kara II is instructive. According to Kara II:

A system and method for transmission of a document from a sending location to a receiving location by way of a trusted way location is disclosed. A selected document is physically or electronically transmitted by a sending location to a letter server operated by a delivery service. A confirmation of transmission of the document is provided to the sender by the delivery service. Thereafter, the letter server reproduces the document in original quality, accompanied by any necessary items such as a delivery container and/or delivery instructions. The delivery service then delivers the reproduced document such as through electronic delivery or inducting the reproduced document into its delivery paradigm for physical delivery to the indicated recipient.

Kara II, Abstract.

According to the above-quoted Abstract of Kara II, a sender (e.g., a first user) sends/transmits a document to a second location (a letter server operated by a delivery service). The delivery service then delivers the document to the indicated recipient. See, e.g., Kara II, Abstract.

Even assuming for the sake of argument that the delivery service could be characterized as a "second user" as recited by, for example, Claims 12 and 30, it is



respectfully asserted that there is no evidence that Kara II discloses, or even contemplates, as recited by Claim 12, "... a request [from a second user] that a first user ship a particular parcel from the first user to the second user ...." That is, it is respectfully submitted that there is no disclosure in Kara II that the delivery service requests that the sender (the first user) ship a parcel from the first user to the second user (the delivery service).

Similarly, it is respectfully asserted that there is no evidence that Kara II discloses, or even contemplates, as recited by Claim 30, "...receiving [from a first user] a set of parcel specifications for a particular parcel to be shipped by a first user to a second user ... [and] receiving [from the second user] a set of recipient information for a delivery of the particular parcel to the second user ..."

To give full consideration to the assertions of the rejection, it has been further considered whether, on the other hand, the recipient of Kara II could be considered the second user. However, it is respectfully asserted that there is no evidence that Kara II discloses, or even contemplates, as recited by Claim 12, "... a request [from a second user] that a first user ship a particular parcel from the first user to the second user ...." That is, it is respectfully submitted that there is no disclosure in Kara II that the recipient requests that the sender (the first user) ship a parcel from the first user (the shipper) to the second user (the recipient). Rather, as noted above, Kara II merely discloses a first user sending a document to a delivery company which in turn reproduces the document and sends the copy to an indicated recipient.

Further, for the reasons given below, it is respectfully asserted that contrary to the above-cited characterizations by the Office Action of Kara II regarding the asserted disclosure by Kara II (see, e.g., Office Action, Topic Nos. 3.b – 3c, pgs. 2-3), Kara II discloses that the first user (the sender) provides both origin address and delivery (destination) address.

Yet further, Applicants respectfully disagree with the assertion in the Office Action that "the limitation of collecting a request from a 'second user' is not considered to be a functional limitation, due to the fact that the software would run the same

regardless of if the request was coming from a first user or a second user.” (Office Action, Topic No. 31, p. 14.)

First, it is respectfully submitted that the Office Action fails to cite any evidence to support the above-quoted assertion that “... the software would run the same regardless of if the request was coming from a first user or a second user.” See Office Action, Topic No. 31, p. 14. Moreover, it is respectfully asserted that the above-quoted assertion by the Office Action fails to give full consideration to all of the limitations of, for example, Claim 12, which recites:

according to the request by the second user, collecting, from the first user via a first computer device, a set of information comprising: (A) parcel specifications for shipping the particular parcel to the second user, (B) an origin address associated with the particular parcel, and (C) shipping preferences for shipping the particular parcel to the second user;

collecting, from the second user via a second computer device, a set of recipient information comprising: (A) a destination address for the second user to which the particular parcel is to be shipped from the first user, (B) an identification of a carrier to be used in shipping the package to the second user, and (C) a delivery service by which the carrier is to ship the package to the second user;

In particular, the above-quoted assertion in the Office Action fails to consider the difference in processing due to the limitations of Claim 12 that the claimed system “... collect[s] [information], from the first user via a first computer device ...” and then “... collect[s] [recipient information], from the second user via a second computer device ...”. It is respectfully asserted that the above-cited assertion by the Office Action is grounded on an unsupported assumption that the claim is directed only to the most centralized portion of a computer system; the claims are not so limited.

Rather, as compared to the above-quoted assertion in the Office Action, it is respectfully asserted that the limitations of Claim 12 of “...collecting, from the first user via a first computer device, a set of information comprising: (A) parcel specifications for shipping the particular parcel to the second user, (B) an origin address associated with the particular parcel, and (C) shipping preferences for shipping the particular parcel to the second user; ...” and then “... collecting, from the second user via a second

computer device, a set of recipient information comprising ... a destination address for the second user to which the particular parcel is to be shipped from the first user ..." are functional limitations that require different processing than if all of the information were collected from a single source. In particular, as claimed by Claim 12, the claimed system would function to collect some information from a first user via a first computer device, and to collect other information from a second user via a second computer device, all with respect to a "particular parcel." The Specification of the present application describes non-limiting exemplary embodiments of the recitations of Claim 12 regarding collecting some information from a first user and other information from a second user. See, e.g., Specification, p. 40, line 12 – p. 44, line 17.

Further, it is respectfully asserted that the rule that prescribes giving claims the broadest interpretation (See, e.g., MPEP §2106) does not allow an interpretation to flip-flop definitions of the interpreted elements in the interpretation of a single claim. That is, in the present case of Claim 12, for example, the claimed "a first user" should not, for one claimed term of Claim 12, be interpreted as the sender; then for another claimed term of Claim 12, be interpreted as the recipient; and/or then, for another claimed term of Claim 12, be interpreted as the delivery service. Accordingly, because the plain language of Claim 12 claims that the first user ships, (a first user ship a particular parcel from the first user to the second user), then it is respectfully asserted that the claimed "first user" in Claim 12 must consistently be interpreted for Claim 12 as a shipping or sending user. Further, because the plain language of Claim 12 claims that the first user ships a parcel from the first user to the second user, it is respectfully asserted that the second user must consistently be interpreted for Claim 12 as a recipient, or receiving user.

As compared to the recitation by Claim 12 of "... collecting, from the second user ... a destination address for the second user to which the particular parcel is to be shipped from the first user ...", it is respectfully asserted that Kara II discloses that the first user (the sender), not a second (recipient) user, provides both origin address and delivery address. Specifically, Kara II discloses that,

“...[p]referably, the sender indicates a preference for delivery of the document, such as through inclusion of delivery address information. Where this information is a physical address it might be presumed that delivery is to be physical, by way of postal delivery. Likewise, where the address information indicates an electronic address, such as a telephone number or e-mail address, delivery might be presumed to be commensurate with such addressing schemes.”

Kara II, p. 14, lines 3-9.

The Office Action cites p. 14, lines 13-28 of Kara II for support of the proposition that Kara II “...discloses providing a delivery service with information as to how the documents should be delivered, and delivery preferences, which includes service as well as address ....” Office Action, Topic No. 3.c, pgs. 2-3. However, as compared to the above-cited assertion by the Office Action, it is respectfully submitted that the cited portion of Kara II does not disclose a recipient as providing any address. Specifically, the cited portion of Kara II states:

Of course, a recipient of such documents may indicate a preferred method of delivery. For example, recipients may provide the delivery service with information, as to how documents should be delivered, that is stored by the delivery service for subsequent reference when a document is to be transmitted. Such delivery preference information may include strata of delivery choices, such as identify of senders or types of documents for which a particular delivery method is to be used. Accordingly, a recipient may prevent the electronic delivery of unsolicited or unwanted documents through such systems as e-mail and relegate such documents to delivery by more conventional means. Moreover, a recipient might even designate certain types of documents and/or particular senders for which document delivery may be forgone, if desired.

Kara II, p. 14, lines 12-22.

In view of the above-quoted explanation by Kara II, it is respectfully asserted that, contrary to the assertion by the Office Action that Kara II “...discloses providing a delivery service with information as to how the documents should be delivered, and delivery preferences, which includes service as well as address ...” (Office Action, Topic No. 3.c, pgs. 2-3 (emphasis added)), Kara II does not disclose a recipient (a first user) providing “... a destination address for the second user to which the particular

parcel is to be shipped from the first user ..." as claimed by Claim 12. More specifically, the above-quoted portion of Kara II cited in the Office Action (Office Action, Topic No. 3.c, pgs. 2-3 citing Kara II, p. 14, lines 13-28), contains no disclosure that the recipient ever provides the recipient's address. Yet further, it is respectfully asserted that there is no evidence that a Kara II recipient would provide the recipient's address because, according to Kara II, the recipient's address has already been provided by the Kara II sender. See, e.g., Kara II, p. 14, lines 3-9.

Yet further, even assuming (which Applicants do not), for the sake of argument only, that the above-quoted disclosure of Kara II could be extended to include a recipient providing a delivery service with address information, it is respectfully asserted that doing so would not comprise a recipient (a first user) providing "... a destination address for the second user to which the particular parcel is to be shipped from the first user ..." as claimed by Claim 12. Rather, according to the cited p. 14, lines 12-22 quotation from Kara II, it is respectfully asserted that a Kara II user that provided information would be doing so to the delivery service to deliver a document, not "... to which the particular parcel is to be shipped from the first user ..." as claimed by Claim 12 (emphasis added).

Citing page 12, lines 18-28 of Kara II, the Office Action further posits that Kara II discloses calculating a shipping rate. Office Action, Topic No. 3.d, p. 3.

However, as further distinguished from the Office Action's characterization that Kara II discloses calculating a shipping rate, Claim 12, for example, recites:

... calculating a shipping rate to be charged for having the carrier ship the particular parcel from the origin address to the destination address via the delivery service ...

As compared to the above-recited limitation of Claim 12, the above-cited page 12, lines 18-28 of Kara II states, in pertinent part:

... at a point in the paradigm very near the actual delivery of the document, ... providing for rate discounts such as by batching mail items by ZIP code, etc. ...

Kara II, p. 12, lines 25-27.

It is respectfully asserted that a disclosure in Kara II for “..... providing for rate discounts such as by batching mail items by ZIP code, etc. [*at a point in the paradigm very near the actual delivery of the document*] ...” (emphasis added), does not disclose “... calculating a shipping rate to be charged for having the carrier ship the particular parcel *from the origin address to the destination address via the delivery service* ...” (emphasis added), as claimed by Claim 12.

Yet further, it is respectfully submitted that Kara II contains no disclosure that the recipient is even a user of the Kara II system. Rather, as explained in Kara II, “...recipients may provide the delivery service with information ... that is stored by the delivery service ....” Kara II, p. 14, lines 13 - 14.

For the reasons given and the authorities cited above, it is respectfully asserted that the references cited by the Office Action, even when considered in combination, do not disclose, anticipate, teach or suggest all of the limitations recited by independent Claims 12 and 30.

Accordingly, for the above-given reasons and authorities, in view of the above-described distinctions between the references of record on the one hand, and the limitations claimed by independent Claims 12 and 30, on the other hand, it is respectfully requested that the rejections of Claims 12 and 30 under Section 102(e) be reversed, and that those Claims be allowed.

**Issue 2 Argument Regarding the Rejection of Independent Claim 27 Under 35 U.S.C. § 102(e) as Being Anticipated by Kara: There is No Disclosure in Kara or the Other References of Record of Applying Carrier-Specific Shipping Location Rules to a User's Default Shipping Location to Determine Whether a Carrier Would Support Shipping a Particular Parcel From the User's Default Shipping Location (37 C.F.R. §41.37(c)(1)(vii) subheading)**

It is respectfully asserted, for the reasons given and authorities cited below that the references of record, including Kara, do not disclose, anticipate, teach or suggest applying a carrier's shipping location rules to a user's default shipping location in order

to determine whether the carrier would support shipping a particular parcel from the user's default shipping location as claimed by Claim 27.

Claim 27 recites the limitations to:

(A) receive from a particular user:

1) an indication of a selection of a default shipping location associated with the particular user, wherein said default shipping location comprises an identification of a location to which the particular user will drop off parcels to be shipped, and wherein the default shipping location is selected from a plurality of default shipping location alternatives

It is respectfully asserted that in order to ascertain the meaning of terms used in Claim 27, such as, for example, the terms "shipping location," and "default shipping location," as those terms are used in, e.g., Claim 27, it is proper to consider the Specification of the present patent application. See, e.g., Markman v. Westview Instruments, Inc., 52 F.3d 967, 979, 34 U.S.P.Q.2D (BNA) 1321, 1329 (Fed. Cir. 1995) (*in banc*), *aff'd*, 517 U.S. 370 (1996) ("To ascertain the meaning of claims, we consider three sources: The claims, the specification, and the prosecution history." (citations omitted)).

It is respectfully asserted that, according to the Specification of the present application, the term "shipping location" recited by the independent claims of the Claims on Appeal (namely, by Claims 1-3, 8-10, and 15-17) is properly interpreted to mean a location from which a User will ship a package. See, e.g., Specification, p. 23, lines 4-15.

It is further respectfully asserted that, according to the Specification of the present application, that the term "default shipping location" recited in some of the Claims on Appeal is properly interpreted to mean "...a default location ... from which the User will typically ship packages ...." Specification, p. 23, lines 7-9.

Claim 27 further recites the limitations:

(B) for each respective carrier of a plurality of carriers, apply a respective set of carrier-specific shipping location rules to the default shipping location to

determine which of said plurality of carriers would support shipping the particular parcel from the default shipping location ...

It is respectfully asserted that the phrase "...apply a respective set of carrier-specific shipping location rules to the default shipping location to determine which of said plurality of carriers would support shipping the particular parcel from the default shipping location ..." recited by Claim 27 is properly interpreted to mean applying the rules by which each particular carrier of a plurality of carriers would determine whether or not the particular carrier would support shipping a particular parcel from a particular user's default shipping location and determining whether, according to the application of the respective carrier's rules, the carrier would support shipping the particular parcel from the particular user's default shipping location. See, e.g., Specification, p. 2, lines 6-7 ("... Each Carrier has its own unique rating schedule, and delivery and pickup rules and schedules for each of a multitude of different services."); see also, e.g., Specification, p. 51, lines 18-25; Specification, p. 36, line 26 – p. 37, line 1; Specification, p. 62, lines 10-19 ("...the System then determines whether the Shipper has requested a "Call for Pickup" shipping location .... If so, the System accesses the Carrier Database ... to determine whether the particular Carrier/Service supports "Call for Pickup" services ... If the particular Carrier/Service does not support "Call for Pickup" services, [t]hen the particular Carrier/Service is eliminated from the delivery rate set ... and the System proceeds with the next Carrier/Service in the delivery rate set ... If the particular Carrier/Service supports "Call for Pickup" services, the System adds the appropriate charge for the "Call for Pickup" service to each of the particular Carrier/Service's delivery rates ....").

In light of the above-explained meaning of the claimed terms "shipping location," "default shipping location," and "... apply a respective set of carrier-specific shipping location rules ...", it is respectfully asserted that a disclosure by a reference of an identification of delivery services that would support shipping a parcel that does not include consideration of the relevant carrier's shipping location rules as applied to a particular parcel's specifications and as applied to a particular shipper's default shipping



location does not disclose, anticipate, teach or suggest the limitations of Claim 27 to "... determine which of said plurality of carriers would support shipping the particular parcel from the default shipping location ...."

In view of the above-explained meaning of the claimed terms "shipping location," "default shipping location," and "... apply a respective set of carrier-specific shipping location rules ... ", for the reasons given and the authorities cited below, it is respectfully asserted that Kara does nothing more than disclose an indication of an identification of delivery services that would support shipping a parcel; they do not disclose, anticipate, teach or suggest consideration of the relevant carrier's shipping location rules as applied to a particular parcel's specifications and as applied to a particular shipper's shipping location in the manner claimed by Claim 27.

It is not disputed that Kara and some of the other references of record disclose in one form or another, shipment rate calculations that consider in one form or another, zone information. Neither is it disputed that some of the references of record collect input of a user's return address and/or a destination zone.

What is disputed is the proposition that such consideration by some of the references of record, such as Kara, of zone information in zone-based shipping rate calculations and/or collection of a return address zip code on the one hand, discloses, anticipates, teaches or suggests "... determin[ing] which of said plurality of carriers would support shipping the particular parcel from the default shipping location ..." as recited by Claim 27, on the other hand.

In rejecting Claim 27, the Office Action asserts that the Return address disclosed in Kara (reference numeral 803) discloses a default shipping location.

However, it is respectfully asserted, in view of the above-explained interpretation of the terms "shipping location" and "default shipping location," that a default shipping location as the term is used in Claim 27 is distinguished from a user's return address.

The Office Action asserts that the phrases "wherein said default shipping location comprises an identification of a location to which the particular user will drop off parcels to be shipped, and wherein the default shipping locations is selected from a plurality of

default shipping location alternatives” are considered to be non-functionally related to the system claim. Office Action, Topic No. 6.g.i, pgs 3-4.

However, it is respectfully asserted that the aforementioned assertion by the Office Action of a non-functional relationship does not consider the above-explained meaning of the terms “shipping location” and “default shipping location” as those terms are used in the various limitations recited by Claim 27. In particular, it is respectfully asserted that even assuming for the sake of argument that the aforementioned assertion by the Office Action could remove the limitation “...wherein said default shipping location comprises an identification of a location to which the particular user will drop off parcels to be shipped, and wherein the default shipping locations is selected from a plurality of default shipping location alternatives ...” from consideration, the assertion can not properly ignore the limitation to “... apply [for each respective carrier of a plurality of carriers] a respective set of carrier-specific shipping location rules to the default shipping location to determine which of said plurality of carriers would support shipping the particular parcel from the default shipping location ...”

The Office Action cites Figure 8 of Kara and the specification of Kara at column 21, lines 8-28 and at column 22, lines 1-19 as supporting an assertion by the Office Action that Kara discloses the limitations claimed by Claim 27 to “... apply a respective set of carrier-specific shipping location rules to the default shipping location to determine which of said plurality of carriers would support shipping the particular parcel from the default shipping location ....”

As compared to the above-recited limitations of Claim 27 regarding applying carrier-shipping location rules, column 21 of Kara at lines 8-28 describes a Kara user’s ability to input class and urgency information and recipient address information. As distinguished from recipient address information, it is respectfully asserted that, as previously explained above, default shipping location pertains to a location from which a user will ship a package.

As compared to the above-recited limitations of Claim 27 regarding applying carrier-shipping location rules, column 22 of Kara at lines 1-19 describes zone-based

shipping rate considerations. See, e.g., Kara, col. 21, lines 60-67 (explaining that "... zone information may be utilized in determining the availability of a particular delivery service, such as overnight, certified, or the like, available from particular ones of the shipping service providers."); Kara, col. 22, lines 13-16 (disclosing that the "... program will automatically incorporate the ... parameters – weight, class, zone – in order to correctly calculate the correct postage ..."); Kara, FIG. 7, element 714 (labeled "Zone – select from box: Local, 1 to 8, Canada, Mexico or International"). However, as compared to a location from which a user will ship a package, as claimed in Claim 27 by that claim's recitation of the term "default shipping location," it is respectfully asserted that the "Zone" element 714 described in Kara is associated with the destination for a mail piece, as reflected in the description of element 714 in FIG. 7 of Kara ("... Local, 1 to 8, Canada, Mexico or International ...").

It is respectfully asserted that the claimed application of carrier shipping location rules is distinguished from different carrier treatment of destination zone information. In particular, it is respectfully asserted that the explanation provided by the Specification of the present application, with respect to various non-limiting exemplary embodiments, is instructive as to the above-recited limitations. See, e.g., Specification, p. 2, lines 6-7 ("... Each Carrier has its own unique rating schedule, and delivery and pickup rules and schedules for each of a multitude of different services."); see also, e.g., Specification, p. 51, lines 18-25; Specification, p. 36, line 26 – p. 37, line 1; Specification, p. 62, lines 10-19 ("...the System then determines whether the Shipper has requested a "Call for Pickup" shipping location .... If so, the System accesses the Carrier Database ... to determine whether the particular Carrier/Service supports "Call for Pickup" services ... If the particular Carrier/Service does not support "Call for Pickup" services, [t]hen the particular Carrier/Service is eliminated from the delivery rate set ... and the System proceeds with the next Carrier/Service in the delivery rate set ... If the particular Carrier/Service supports "Call for Pickup" services, the System adds the appropriate charge for the "Call for Pickup" service to each of the particular Carrier/Service's delivery rates ...." ).

It is respectfully asserted that although the references of record mention consideration of zone information, there is no mention in any of the references of record of any distinction between carriers and/or services as to differences in support, and/or rates, for different shipping locations, including different shipping locations that may exist within a single zone.

For the above-given reasons and authorities, in view of the above-described distinctions between the disclosures of Kara on the one hand, and independent Claim 27 on the other hand, it is respectfully asserted that Claim 27 is patentable over the references of record, and it is therefore respectfully requested that the rejection of Claim 27 be reversed and that Claim 27 be allowed.

**Issue 3 Argument Regarding the Rejection of Independent Claim 50 under 35 U.S.C. § 102(e) as Being Anticipated by Kara: There is No Disclosure in Kara of Determining Carrier-Specific Origin and Destination Rating Zone Identifiers (37 C.F.R. §41.37(c)(1)(vii) subheading)**

In rejecting Claim 50 under Section 102(e) as being anticipated by Kara, the Office Action cited Kara's column 21, lines 60-67 as supporting the proposition that "... Kara discloses a shipping management computer system that is programmed to ... determine a first and second carrier specific origin rating zone identifier ... [and] determine a first and second carrier specific destination rating zone identifier ...." Office Action, Topic Number 7, pgs. 4-5.

As compared to the above-described position by the Office Action, it is respectfully submitted that Kara's column 21, lines 60-67 states that "... the user may select a particular zone associated with the mail piece of other item ... ." (Emphasis added). It is respectfully asserted that a *user selecting* a particular zone associated with a mail piece as disclosed in the cited excerpt of Kara is distinguished from a *system determining a rating zone identifier* as recited in Claim 50 as follows:

- (a) determining a first carrier-specific origin rating zone identifier that a first carrier would associate with the origin postal code;

(b) determining a second carrier-specific origin rating zone identifier that a second carrier would associate with the origin postal code;

(c) determining a first carrier-specific destination rating zone identifier that said first carrier would associate with the destination postal code;

(d) determining a second carrier-specific destination rating zone identifier that said second carrier would associate with the destination postal code;

Further, with respect to the rejection of Claim 50 under Section 102(e) as being anticipated by Kara, the Office Action cited Kara's FIG. 8 to support the proposition that "... Kara discloses a shipping management computer system that is programmed to ... [c]alculate[,] using zone identifiers, rates of first and second delivery services of the first and second carriers ...." Office Action, Topic Nos. 7 and 7.I.iv, p. 5.

However, as compared to the above-describe position by the Office Action, it is respectfully submitted that although Kara discloses a comparison of rates across multiple carriers, Kara first requires a user's pre-selection of a delivery service "urgency" and/or class, and therefore does not disclose calculating rates for more than one delivery service for a particular carrier. See, e.g., Kara, col. 22, lines 39 – 42 ("the ... program automatically calculates the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters*." (emphasis added). That is, according to Kara, a user of Kara must first indicate the desired shipping and/or delivery parameters (e.g., Overnight, or Same Day, or Next Day, or 2-Day, or 3-Day) so that the Kara "program [will] automatically calculate[ ] the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters*." Kara, col. 22, lines 39 – 42 (emphasis added).

As distinguished from a user pre-selecting a delivery service as disclosed in Kara, Claim 50 recites, in response to receiving a request to ship a particular parcel, among other things:

(e) calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by said first carrier according to at least the first carrier-specific origin rating zone, the first carrier-specific destination rating zone, and the set of parcel specifications;

(f) calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by said first carrier according to at least the first carrier-specific origin rating zone, the first carrier-specific destination rating zone, and the set of parcel specifications;

(g) calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by said second carrier according to at least the second carrier-specific origin rating zone, the second carrier-specific destination rating zone, and the set of parcel specifications; and

(h) calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by said second carrier according to at least the second carrier-specific origin rating zone, the second carrier-specific destination rating zone, and the set of parcel specifications.

That is, even assuming for the sake of argument that Kara could be used to execute each of the above-outlined processes, it is respectfully asserted that there is no disclosure in Kara, that Kara could do so in response to the singular receipt of a request to ship a particular parcel. Rather, it is respectfully asserted that according to the disclosure of Kara, even assuming for the sake of argument that Kara could be used to execute each of the above-outlined processes, Kara could only be used to do so in multiple stages -- each stage requiring a user to first pre-selected a delivery service, "urgency" and/or class. See, e.g., Kara, col. 22, lines 39 – 42.

Further, it is respectfully asserted that although the references of record mention consideration of zone information, there is no mention in any of the references of record of any distinction between Carriers and/or Services as to differences in support, and/or rates, for different shipping locations, including different shipping locations that may exist within a single zone.

For the above-given reasons, in view of the above-described distinctions between the disclosures of Kara on the one hand, and independent Claim 50 on the other hand, it is respectfully asserted that Claim 50 is patentable over the references of

record, and it is therefore respectfully requested that the rejection of Claim 50 be reversed and that Claim 50 be allowed.

**Issue 4 Argument Regarding the Rejections of Independent Claims 44 (and Therefore Also Dependent Claim 45) under 35 U.S.C. § 102(e) as Being Anticipated by Nicholls: Nicholls Fails to Disclose or Anticipate an Executable Set of Instructions for Regenerating an Interactive User Interface Display in Response to a User Modification of Data in a Data Collection Field (37 C.F.R. §41.37(c)(1)(vii) subheading)**

In rejecting Claim 44 under Section 102(e) as being anticipated by Nicholls, the Office Action cites the “Rate button” and the “Repeat button” of FIG. 4B of Nicholls to support the proposition that “... Nicholls discloses a shipping management computer system that is programmed to ...generat[e] an interactive user display ... comprising ... an executable set of instructions for regenerating the interactive user interface display in response to a user modification of data ....” Office Action, Topic Nos. 9 and 9.o.vii, pgs. 5-6.

As compared to the above-quoted assertions of the Office Action, Claim 44, for example, recites:

generating a displayable interactive user interface adapted for displaying the rating and scheduling information, wherein the displayable interactive user interface comprises:

- (A) at least one data collection field initialized with a data item from the set of data input by the particular user;
- (B) the set of rating and scheduling information; and
- (C) an executable set of instructions for regenerating the interactive user interface display in response to a user modification of data in the at least one data collection field.

It is not disputed that FIG. 4B of Nicholls displays a “Rate” button and a “Repeat” button. It is disputed, however, that the display of a “Rate” button and/or a “Repeat” button on an online display discloses the above-recited limitations of, for example, Claim 44 for “... generating a displayable interactive user interface ... [that] comprises ... an executable set of instructions for regenerating the interactive user interface

display *in response to a user modification of data in the at least one data collection field.*" (Emphasis added).

More specifically, as compared to the mere display in FIG. 4B of Nicholls' of a "Rate" button and/or a "Repeat" button, the claimed limitation recites "...regenerating the interactive user interface display *in response to a user modification of data in the at least one data collection field.*" It is respectfully submitted that the explanation provided by the Specification of the present application, with respect to various non-limiting exemplary embodiments, is instructive as to proper interpretation of the above-recited limitations. See, e.g., Markman v. Westview Instruments, Inc., 52 F.3d 967, 979, 34 U.S.P.Q.2D (BNA) 1321, 1329 (Fed. Cir. 1995) (*in banc*), *aff'd*, 517 U.S. 370 (1996) ("To ascertain the meaning of claims, we consider three sources: The claims, the specification, and the prosecution history." (citations omitted)).

In particular, the Specification of the present application explains, with respect to various non-limiting exemplary embodiments, that:

Distribution to the Web Browser Client by the System of executable code that regenerates the Graphic Array provides the capability to dynamically reflect in the Graphic Array any changes that the Shipper may enter to the various Shipper Parcel Specifications; the Graphic Array immediately displays the new information *without requiring the Shipper to request a recalculation, such as by clicking on a "Regenerate" button or the like.*

Specification, p. 64, lines 3 – 7 (emphasis added).

The Specification of the present application further describes that for various exemplary embodiments:

... the System automatically and dynamically regenerates the display of the Graphic Array and certain portions of other screens when the Shipper makes online changes to Shipper input. To do this, the System generates executable code which it distributes with certain displayable frames to the Web Browser Client. This distribution of code for purposes of regenerating the Graphic Array differs from the initial generation of the Graphic Array as was described above. For example, in the embodiment of the invention depicted in FIGS. 39a through 39c, in the initial development of the Graphic Array, the System distributes the functions that initially generate the Graphic Array as follows: the Shipper entering shipping information 1150, displaying errors to the Shipper that insufficient shipping information has been provided and prompting the Shipper for additional information 1153, and displaying the Graphic Array 1160, are all



processed by the Web Browser at the Client; all other functions and processes depicted in FIGS. 39a through 39c are performed by one or more of the NOC Servers 20a-21z.

Specification, p. 63, line 18 – p. 64, line 2. The Specification of the present application further describes for various exemplary embodiments that:

As the System generates the display of each frame, the System generates executable code which it distributes with, e.g., the Rate & Times frame, to the Web Browser Client. Thereafter, the Web Browser Client uses the executable code to automatically regenerate the display of the Graphic Array each time the Shipper makes changes to the Shipper Parcel Specifications. In one embodiment of the dynamic regeneration aspect of the invention, the executable code distributed to the Web Browser Client uses JavaScript.

Specification, p. 64, lines 18 – 23.

It is respectfully asserted that, in view of the above-quoted disclosures of the Specification of the present application, the claimed limitation for “...an executable set of instructions for regenerating the interactive user interface display in response to a user modification of data in the at least one data collection field ...” is properly interpreted to mean that the claimed executable set of instructions is adapted for automatically regenerating the interactive user interface display in response to a user's modification of data in a data collection field of the interactive user interface display without further user interaction.

The Office Action answers that “[t]he claim limitation merely reads ‘regenerating ... in response to a user modification of data’. The claim does not state that it is automatically regenerated without user interaction.” Office Action, Topic No. 34, p. 17.

However, it is respectfully asserted that the above-quoted answer in the Office Action fails to interpret the claim language in view of the disclosure of the present application.

It is respectfully asserted that the Office Action's citation to the “Rate” button and the “Repeat” button of FIG. 4B of Nicholls is evidence that Nicholls does not disclose the limitation recited, for example, by Claim 44 of “...an executable set of instructions for

regenerating the interactive user interface display in response to a user modification of data in the at least one data collection field.” In particular, the Office Action’s citation to the “Rate” button and the “Repeat” button of FIG. 4B of Nicholls indicates that a Nicholls user would need to click the “Rate” button, or the “Repeat” button of FIG. 4B of Nicholls in order to cause the Nicholls system to regenerate the screen depicted in FIG. 4B of Nicholls.

As compared to a user needing to click a separate “Rate,” “Update,” “Repeat” or other-named button in order to regenerate an updated version of a screen, Claim 44 recites “...an executable set of instructions for regenerating the interactive user interface display *in response to a user modification of data in the at least one data collection field.*” (Emphasis added.)

For the reasons given above, it is respectfully asserted that neither Nicholls nor any of the other cited references disclose, anticipate, teach or suggest the above-recited limitations of Claim 44, or the limitations of Claim 45 which is dependent on independent Claim 44. Accordingly, it is respectfully asserted that Claims 44 and 45 are patentable over the references of record, and it is therefore respectfully requested that the rejection of Claims 44 and 45 be reversed and that those Claims be allowed.

**Issue 5 Argument Regarding the Rejection of Independent Claim 31 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in view of Kara and as Being Unpatentable over Nicholls in View of Kara and Thiel: The Asserted Combination of Nicholls and Kara Fails to Disclose, Anticipate, Teach or Suggest Sending Executable Instructions to a User’s Computer to Instruct the User’s Computer to Recognize a Weight Measured by a Digital Scale Configured With the User’s Computer (37 C.F.R. §41.37(c)(1)(vii) subheading)**

The Office Action rejects Claim 31 on two grounds: 1.) under 35 U.S.C. §103(a) as being unpatentable over Nicholls in view of Kara (Office Action, Topic No. 13, p. 7); and 2.) under 35 U.S.C. §103(a) as being unpatentable over Nicholls in view of Kara and Thiel (Office Action, Topic No. 16, p. 8). However, the Office Action only discusses Claim 31 under the rejection over Nicholls in view of Kara and does not discuss Claim

31 in view of Thiel. Notably, Thiel is asserted by the Office Action as support for “calculating rates for multiple carriers” (Office Action, Topic No. 19, p. 9), which is not a limitation claimed by Claim 31. Therefore, Thiel is not further discussed with respect to the rejection of Claim 31.

In rejecting Claim 31, the Office Action cites element reference numeral 34 (shown in FIG. 1) and FIG. 4I of Nicholls as supporting the proposition that “... Nicholls discloses a shipping management computer system, which is programmed to ... [i]nstruct the client computer device to recognize a measured weight of a parcel using a digital scale ....” Office Action, Topic Nos. 14 and 14.r, p. 7.

As compared to the above-quoted assertions of the Office Action, Claim 31 is directed to “A server-based shipping management computer system comprising at least one computer device, wherein said server-based shipping management computer system is programmed to...”, among other things:

- (A) communicate with a plurality of client computer devices via a global communications network;
- (B) for each of said plurality of client computer devices:
  - (1) send executable program instructions to the client computer device to:
    - (a) instruct the client computer device to recognize a measured weight of a particular parcel, said weight being measured by a digital scale configured with the client computer device, and
    - (b) instruct the client computer device to communicate the measured weight to the shipping management computer system via the global communications network ...

It is not disputed that some of the references of record disclose a scale attached to a work station. For example, element 34 of FIG. 1 of Nicholls is described as an “electronic scale 34.” Nicholls, col. 3, line 67. In particular, Nicholls describes a “... shipping station 26 ... may include one or more computer terminals to which a scanning device 32, an electronic scale 34 and mailing label printers 36 may be attached.” Nicholls, col. 3, line 67 – col. 4, line 1. Like Nicholls, Kara also discloses a processor-based system (i.e., a work station) that comprises, among other things, a scale. See, e.g., Kara, FIG. 1A, element 103.

However, it is respectfully submitted that, notwithstanding the disclosure of a scale in both Nicholls (element 34 of FIG. 1) and Kara (element 103, FIG. 1A), the Office Action does not cite any evidence that either Nicholls or Kara disclose, "...send[ing] executable program instructions to the client computer device ..." as recited by Claim 31 or for such executable program instructions being "...to ... instruct the client computer device to recognize a measure weight ... being measured by a digital scale configured with the client computer device ..." as recited by Claim 31.

Failing to cite any evidence in Nicholls or Kara to support the rejection, the Office Action offers as justification that, with respect to Claim 31, "[t]he applicant has argued that there is no disclosure in either Nicholls or Kara of 'sending executable instructions to the client computer device ...' '... to ... instruct the client computer to recognize a measure weight ... being measured by a digital scale.'" Office Action, Topic No. 35, p. 17. The Office Action continues with the assertion that "[t]he user of Nicholls does not enter the weight, the weight is measured by a scale." Office Action, Topic No. 35, pgs. 17-18. The Office Action then further asserts "[t]herefore due to the fact that the device manager controls the scale, then the examiner considers this to be 'sending executable program instructions to the client computer device ... to ... instruct the client computer device to recognize a measure weight ... being measured by a digital scale.'" Office Action, Topic No. 35, p. 18.

For the reasons given and the authorities cited herein, it is respectfully asserted that the above-quoted assertions by the Office Action are based on impermissible hindsight using the invention claimed in the present application as a roadmap to pick and choose disparate portions of the Nicholls reference and then piece those disparate portions together, again using the present invention as a roadmap, and using knowledge gleaned from the present invention, to conclude anticipation of Claim 31. Cf., e.g., In re Mahurkar Patent Litigation, 831 F. Supp. 1354, 1374-75, 28 U.S.P.Q.2d (BNA) 1801, 1817 (N.D. Ill. 1993), *aff'd*, 71 F.3d 1573, 37 U.S.P.Q.2d 1138 (Fed. Cir. 1995) (Opinion by Judge Easterbrook; "... decomposing an invention into its constituent elements, finding each element in the prior art, and then claiming that it is easy to

reassemble these elements into the invention, is a forbidden *ex post* analysis. ... With hindsight the transistor is obvious; but devising the transistor was still a work of genius. An invention lies in a combination of elements that are themselves mundane. 'Virtually all inventions are combinations and virtually all are combinations of old elements.'.....").

The Office Action makes the assertion that "[t]he user of Nicholls does not enter the weight, the weight is measured by a scale..." (Office Action, Topic No. 35, pgs. 17-18) but fails to offer any support for that proposition. It is respectfully asserted that notwithstanding the mention by Nicholls of a device manager, the assertion that a user of Nicholls does not enter the weight is unsupported in the Office Action.

Rather, it is respectfully asserted that FIGS. 4A and 4B of Nicholls show a user interface screen that comprises a number of user input fields. See, e.g., Nicholls, col. 3, lines 13-14. In particular, it is respectfully asserted that the user interface screens depicted in FIGS. 4A and 4B of Nicholls show a "Packages" area comprising a number of user input fields for "Reference," "Dimensions," "Packaging," and "LTL Item No." Nicholls, FIGS. 4A and 4B. It is respectfully submitted that FIGS. 4A and 4B of Nicholls show a field for "Weight" in the "Packages" input area. Contrary to arguments made in the Office Action, it is respectfully asserted that the appearance of the "Weight" field with the other input fields in the "Packages" area of the user interface input screens depicted in FIGS. 4A and 4B include "Reference," "Dimensions," "Packaging," and "LTL Item No." suggests that a user of Nicholls would enter a package's weight in the "Weight" field just as a user of Nicholls would enter, for example, the package's dimensions in the "Dimensions" input field. See Nicholls, FIGS. 4A and 4B.

Further, it is respectfully asserted that the Office Action is concluding, without support, that because Nicholls discloses a device manager, then the device manager must therefore, "... send[] executable program instructions to the client computer device ... to ... instruct the client computer device to recognize a ... weight ... being measured by a digital scale." Office Action, Topic No. 35, p. 18.

It is respectfully asserted that, contrary to the holding of In re Mahurkar, the above-described conclusion by the Office Action impermissibly reads into the Nicholls

reference knowledge gleaned from the present invention. Contrary to the above-described conclusion by the Office Action, Nicholls explains that “[p]referably, at least portions of the logistics management software are installed and run on each of the computer terminals illustrated in FIG. 1.” Nicholls, col. 4, lines 10-12. As distinguished from the above-described disclosure by Nicholls, Claim 31 recites limitations to:

send executable program instructions to the client computer device to:

- (a) instruct the client computer device to recognize a measured weight of a particular parcel, said weight being measured by a digital scale configured with the client computer device, and
- (b) instruct the client computer device to communicate the measured weight to the shipping management computer system via the global communications network ...

It is respectfully asserted that the above-described disclosure by Nicholls refers to software that is conventionally installed and run on a computer terminal.

Similar to Nicholls, Kara provides for a user to input a weight using an interactive user interface. See, e.g., Kara, FIGS. 8 and 8A. In addition, Kara also provides that “Weight -- automatic with optional scale.” See, e.g., Kara, FIG. 7, element 711. In describing element 711, Kara explains that “... the user enters the weight ... This weight may be entered manually, or automatically, such as through the use of scale 103 coupled to host processor-based system 10 in a manner well known in the art.” Kara, col. 20, lines 62-67.

In considering the distinctions between Nicholls and Kara, it is respectfully asserted that it is proper under the holding of Markman to consider the Specification to interpret the language of Claim 31. See, e.g., Markman v. Westview Instruments, Inc., 52 F.3d 967, 979, 34 U.S.P.Q.2D (BNA) 1321, 1329 (Fed. Cir. 1995) (*in banc*), *aff’d*, 517 U.S. 370 (1996) (“To ascertain the meaning of claims, we consider three sources: The claims, the specification, and the prosecution history.” (citations omitted)).

As distinguished from Nicholls and Kara, it is respectfully asserted that the Specification of the present application describes various non-limiting embodiments of

Contained within the Shipping Station ActiveX Control is a table (the "scale table") 608 containing entries for each supported scale make and model and provides logic to process the communication information for each scale make and model as appropriate. It should be understood by someone skilled in the art that the Shipping Station ActiveX Control facilitates communications with various devices on the client machine. The Shipping Station ActiveX Control 607 and the scale table 608 are requested 606 by the web page (the "System/scale interface") containing the Weight field 1051 at the time that the Shipper activates 605 the Weight field 1051. Once the web page requests the Shipping Station ActiveX Control 607, the Shipping Station ActiveX Control 607 is automatically installed on the client 609. In the event that the Shipping Station ActiveX Control is updated to facilitate the support of additional scale makes and models, the Shipping Station ActiveX Control is automatically reinstalled on the particular client PC the next time that the Shipper activates the Shipping Station ActiveX Control.").

In view of the above-cited disclosures of the Specification of the present application, it is respectfully asserted that the above-recited limitation of Claim 31 is properly interpreted to mean sending a set of program instructions that when received by the user's computer, is then automatically installed by the user's computer for execution by the user's computer.

It is respectfully asserted that, in view of the above-asserted interpretation of the language of Claim 31, none of the references, including Nicholls and Kara, disclose anticipate, teach or suggest the above-described limitations of Claim 31.

For the above-given reasons, in view of the above-described distinctions between the disclosures of Nicholls and Kara on the one hand, and independent Claim 31 on the other hand, it is respectfully asserted that independent Claim 31 is patentable over the references of record, and it is therefore respectfully requested that the rejection of Claim 31 be reversed and that Claim 31 be allowed.

**Issue 6 Argument Regarding the Rejection of Independent Claim 49 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in view of Kara and as Being Unpatentable over Nicholls in view of Kara and Thiel: The**

the limitations recited by Claim 31 of a System that communicates with a user's computer, and with peripheral devices configured with the user's computer, through a web browser that runs on the user's computer. See, e.g., Specification, p. 30, lines 25-27 ("In order to identify the weight of the parcel to the System, in one embodiment of the invention, the Shipper's PC is configured with a scale and the System communicates with the Shipper's scale using the user's client web browser.").

It is respectfully asserted that the Specification of the present application describes various non-limiting embodiments of the limitations recited by Claim 31 of a System that communicates with a user's computer, and with peripheral devices configured with the user's computer, by providing a set of program instructions, such as, for example, an ActiveX control, that when received by the user computer's web browser, is then automatically installed by the user's computer for execution by the user's computer. See, e.g., Specification, p. 31, lines 10-11 ("The System provides an ActiveX control dedicated to communications with peripheral devices configured with client PCs ("Shipping Station ActiveX Control") 607."); see also, e.g., Specification, p. 32, lines 4-9 ("In one embodiment of the System/scale interface aspect of the invention, the System uses ActiveX control language and the client's web browser, such as Internet Explorer browser. Continuing with FIGS. 27a through 27c, using the Shipper's scale configuration information, the System calls Windows libraries 615 to open the serial or parallel port with which the scale is configured, as the case may be and as is specified in the Shipper's scale configuration information. Windows is an operating system used with most PCs.").

It is respectfully asserted that the Specification of the present application describes various non-limiting embodiments of the limitations recited by Claim 31 of a System that sends executable computer program instructions for automatic installation on a client computer in response to an interaction by the client computer with an Internet-enabled shipping management system website. See, e.g., Specification, p. 31, lines 10-24 ("The System provides an ActiveX control dedicated to communications with peripheral devices configured with client PCs ("Shipping Station ActiveX Control") 607.



**Asserted Combination of Nicholls, Kara and Thiel Fails to Disclose, Anticipate, Teach or Suggest the Combination of All of the Limitations Recited by Claim 49 (37 C.F.R. §41.37(c)(1)(vii) subheading)**

Similar to the rejection of Claim 31, the Office Action rejects Claim 49 on two grounds: 1.) under 35 U.S.C. §103(a) as being unpatentable over Nicholls in view of Kara (Office Action, Topic No. 13, p. 7); and 2.) under 35 U.S.C. §103(a) as being unpatentable over Nicholls in view of Kara and Thiel (Office Action, Topic No. 16, p. 8). However, the Office Action only discusses Claim 49 under the rejection over Nicholls in view of Kara and Thiel (Office Action, Topic Nos. 21-24). Therefore, the rejection of Claim 49 under 35 U.S.C. §103(a) as being unpatentable over Nicholls in view of Kara and Thiel is discussed below.

In rejecting Claim 49, the Office Action repeats many of the above-quoted assertions regarding the rejection of Claim 31 with respect to instructing a client computer to recognize a measured weight, instructing the client computer to communicate the measured weight, and the like. See, e.g., Office Action, Topic No. 21, p. 10. However, as compared to the aforementioned assertions in the Office Action regarding Claim 49, it is respectfully asserted that Claim 49 does not recite the limitations regarding weight asserted in the Office Action.

In rejecting Claim 49, the Office Action also states that “Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services ....” Office Action, Topic No. 23, p. 11.

In order to compensate for the above-quoted statement of failure by the Office Action of Nicholls and Kara, the Office Action then asserts that: “Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses the computer storing data for the rates of each service for each carrier in one table (Column 11, lines 1-13).” Office Action, Topic No. 23, p. 11. The Office Action further asserts that “Thiel also discloses that the system will walk the user through which service is wanted, however discloses displaying only the final rate for

desired service for multiple carriers (Column 11, lines 46-54).” Office Action, Topic No. 23, p. 11.

The Office Action then states that “Nicholls, Kara and Thiel fail to disclose the ‘simultaneous’ display of shipping charges for each service of each carrier.” In a final effort to compensate for the above-quoted statement of failure by the Office Action of Nicholls, Kara and Thiel, the Office Action then asserts that “[i]t would have been obvious to one having ordinary skill in the art ... to display all charges simultaneously.” Office Action, Topic No. 24, p. 11. In an effort to support the asserted obviousness, the Office Action posits that “Thiel even shows all the rates are stored in one table, however, they all require some sort of selection by the user before each charge is displayed.” Office Action, Topic No. 24, p. 11.

The rejection of Claim 49 concludes with the reasoning that “[t]he way something is displayed, is not considered to be patentable over the prior art of record, therefore it would have been obvious ... to display all the calculated rates simultaneously for comparison purposes. It should also be noted that the claims are all drawn to system claims, which are limited to the actual systems and their capabilities, and that what information is actually displayed is considered to be printed matter, and unless the information is used further in the system, then what is actually displayed is considered non-functional.” Office Action, Topic No. 24, pgs. 11-12.

The rejection of Claim 49 under Section 103(a) as being unpatentable over Nicholls in view of Kara and Thiel, has been carefully considered. Applicant(s) respectfully disagree with the rejection for the following reasons and authorities, and respectfully request that the rejection of Claim 49 be reversed and that Claim 49 be allowed.

As mentioned above, the initial assertions by the Office Action regarding instructing a client computer to recognize a measured weight, instructing the client computer to communicate the measured weight, and the like (Office Action, Topic No. 21, p. 10) are not limitations recited by Claim 49.

Further, the final reasoning of the rejection outlined above is taken to be a printed matter rejection. However, for the reasons given and the authorities cited below, it is respectfully asserted that a printed matter rejection is misplaced. As the Office Action admits, it is respectfully noted that the rejected claims are directed to computer systems. It is respectfully submitted that computer systems have been well established as being patentable subject matter under 101.

Further, "... when evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered." Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, (United States Patent and Trademark Office; Official Gazette Notices for November 22, 2005), § II.C (citing Diamond v. Diehr, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981) ("In determining the eligibility of respondents' claimed process for patent protection under Sec. 101, their claims must be considered as a whole. It is inappropriate to dissect the claims into old and new elements and then to ignore the presence of the old elements in the analysis. This is particularly true in a process claim because a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made."))).

"The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. Gulack, 703 F.2d at 1385. The PTO may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384; see also Diamond v. Diehr, 450 U.S. 175, 191 (1981)." In re Lowry, 32 F.3d 1579, 1582, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994). Further, the In re Lowrey court noted "... that Gulack cautioned against a liberal use of 'printed matter rejections' under section 103 ... A 'printed matter rejection' under [[section]] 103 stands on questionable legal and logical footing. Standing alone, the description of an element of the invention as printed matter tells nothing about the differences between the invention and the prior art or about whether that invention was suggested by the prior

art. . . . [The Court of Customs and Patent Appeals], notably weary of reiterating this point, clearly stated that printed matter may well constitute structural limitations upon which patentability can be predicated." *In re Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034 (quoting *Gulack*, 703 F.2d at 1385 n.8).

It is respectfully asserted, for the reasons given below, that the above-quoted citation by the Office Action (*Office Action*, Topic No. 23, p. 11 (citing *Thiel*, col. 11, lines 1-13 (the "*Thiel Table*"))) to the *Thiel* table does not support the assertion by the Office Action that "Thiel discloses . . . the computer storing data for the rates of each service for each carrier . . . ." *Office Action*, Topic 23, p. 11.

In comparing the cited *Thiel Table* to both the features attributed to it in the Office Action, and more importantly, to the claimed limitations of for example, Claim 49, it is respectfully asserted that the contents of the cited *Thiel Table* and the description by *Thiel* of the use of the cited *Thiel Table* as described by *Thiel* are instructive.

At first glance, the cited *Thiel Table* may appear to provide a stored shipping rate comparison. However, it is respectfully submitted that under close inspection, the cited *Thiel Table* provides a stored comparison of base rate components, not of shipping rates that have been calculated by the claimed system (as claimed for example, by Claim 49).

Specifically, Claim 49 recites, among other things, the following limitations:

(4) using said first carrier-specific ratable weight to determine whether a first carrier would support shipping the particular parcel, and, if the first carrier would support shipping the particular parcel, calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by the first carrier and calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by the first carrier;

(5) using said second carrier-specific ratable weight to determine whether a second carrier would support shipping the particular parcel, and, if the second carrier would support shipping the particular parcel, calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by the second carrier and calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by the second carrier;

(6) displaying to a display device in communication with the remote client computer device, a simultaneous cross-comparison of the first, second, third and fourth service-specific, carrier specific shipping rates.

As compared to storing calculated shipping rates, the cited Thiel Table is shown as containing shipping feature entries for five (5) different carriers. See Thiel, col. 11, lines 1-13. For each of the five (5) different carriers (Carrier 1-5), the cited Thiel Table shows a shipping feature entry for each of the following shipping features: Destination Zone, Base Charge, Express Delivery, Added [Express Delivery] Charge, Return Receipt, Added [Return Receipt] Charge, Discount for greater than 100 items, Discount for greater than 1000 items, and Discount for greater than 10000 items. *Id.* at col. 11, lines 1-13.

As compared to *calculating rates* for multiple carriers for multiple services for a *simultaneous display* of rates for multiple services for multiple carriers (as is claimed by, for example, Claim 49, it is respectfully submitted that Thiel describes the cited Thiel Table as a *stored* table of services and fee *components* of various carriers. Further, Thiel explains that the cited stored Thiel Table is used by the Thiel system to "... search[] the carriers which offer the desired services ..." (Thiel, col. 11, lines 22-23) and "... [perform] a fee optimization ... to reach the best price ..." (Thiel, col. 11, lines 29-30). That is, the cited Thiel Table is used by the Thiel system to identify carriers that would provide a user-pre-selected delivery service and user-requested shipping features and to calculate shipping rates for shipping a parcel; the cited Thiel Table does not contain calculated shipping rates for shipping a parcel.

Yet further, Applicant(s) disagree, with regard to the effort in the Office Action to compensate for the above-quoted conclusion that "Thiel ... discloses displaying only the final rate for desired service for multiple carriers ...," with the assertion in the Office Action that even though "Nicholls, Kara and Theil [sic] fail to disclose the "simultaneous" display of shipping charges for each service of each carrier ...[, i]t would have been obvious ... to display all charges simultaneously."

Applicants respectfully disagree that the above-quoted assertion of obviousness

is properly supported by sufficient evidence as required for an obviousness rejection under MPEP §706.02(j) and MPEP §2143. Rather, it is respectfully asserted that the Office Action's concession that a simultaneous display as claimed by the rejected Claims is completely absent from the references cited is strong evidence that such a simultaneous display is not obvious. *Cf., e.g., In re Mahurkar Patent Litigation*, 831 F. Supp. 1354, 1374-75, 28 U.S.P.Q.2d (BNA) 1801, 1817 (N.D. Ill. 1993), *aff'd*, 71 F.3d 1573, 37 U.S.P.Q.2d 1138 (Fed. Cir. 1995).

Even after making the above-stated concessions of the complete absence of a simultaneous display as claimed by Claim 49, in an effort to justify the rejection under Section 103(a), the Office Action nevertheless posits that "[t]he way something is displayed, is not considered to be patentable over the prior art of record, therefore it would have been obvious ... to display all the calculated rates simultaneously for comparison purposes." Office Action, Topic No. 29, Page 14.

It is respectfully asserted that picking and choosing disparate portions of the cited references, asserting characterizations of those references that are not supported by the references themselves, and then, even acknowledging the complete absence in the asserted combination of the references of the claimed limitations, asserting that the claimed limitations would be obvious, is proscribed. In particular, it is respectfully submitted that "... decomposing an invention into its constituent elements, finding each element in the prior art, and then claiming that it is easy to reassemble these elements into the invention, is a forbidden *ex post* analysis." *In re Mahurkar Patent Litigation*, 831 F. Supp. 1354, 1374-75, 28 U.S.P.Q.2d (BNA) 1801, 1817 (N.D. Ill. 1993), *aff'd*, 71 F.3d 1573, 37 U.S.P.Q.2d 1138 (Fed. Cir. 1995).

Yet further, it is respectfully asserted that even if it is assumed for the sake of argument only that a simultaneous display of rates could be considered obvious as asserted by the Office Action, such a position does not give full consideration to each and every limitation recited by Claim 49, including processes (1) through (6). It is respectfully asserted that none of the references of record, including Nicholls and Kara disclose all of the limitations recited by Claim 49 in processes (1) through (6).

In particular, it is respectfully asserted that the Office Action summarizes elements of Claim 49 that do not accurately reflect each and every limitation recited by the Claim. For example, the Office Action states that “Nicholls discloses ... [r]eceive[ing] the measured weight by the user (See Figure 4A), this weight is used to calculate the weight of the parcel, therefore the examiner considers this to be a ratable weight ....” Office Action, Topic Nos. 21 and 21.aa.

As compared to the above-quoted assertion by the Office Action, Claim 49 recites, among other things:

- (2) using said set of parcel characteristics and a first set of carrier-specific weight calculation rules to derive a first carrier-specific ratable weight for said particular parcel;
- (3) using said set of parcel characteristics and a second set of carrier-specific weight calculation rules to derive a second carrier-specific ratable weight for said particular parcel;
- (4) using said first carrier-specific ratable weight to determine whether a first carrier would support shipping the particular parcel, and, if the first carrier would support shipping the particular parcel, calculating a first service-specific, carrier-specific shipping rate for a first delivery service offered by the first carrier and calculating a second service-specific, carrier-specific shipping rate for a second delivery service offered by the first carrier;
- (5) using said second carrier-specific ratable weight to determine whether a second carrier would support shipping the particular parcel, and, if the second carrier would support shipping the particular parcel, calculating a third service-specific, carrier-specific shipping rate for a first delivery service offered by the second carrier and calculating a fourth service-specific, carrier-specific shipping rate for a second delivery service offered by the second carrier;

It is respectfully asserted that the above-quoted assertion by the Office Action simply fails to accurately reflect the above-recited processes of Claim 49.

In view of the above-given reasons and the authorities cited above, it is respectfully asserted that the above-recited limitations of Claim 49 are distinguished from and patentable over the references of record. Accordingly, it is respectfully requested that the rejection of Claim 49 be reversed and that Claim 49 be allowed.

**Issue 7 Argument Regarding the Rejection of Independent Claims 33 and 34 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in View of Kara and Thiel: The References of Record, Including Nicholls, Kara and Thiel, Even When Considered in Combination, Fail to Disclose, Anticipate, Teach or Suggest the Combination of All of the Limitations Recited by Claims 33 and 34 (37 C.F.R. §41.37(c)(1)(vii) subheading)**

For reasons similar to those described above with respect to Claim 49, it is respectfully asserted that Claims 33 and 34 are distinguished from the references of record, including Nicholls, Kara and Thiel, even when those references are considered in combination, because Claims 33 and 34 are directed, in one way or another to calculating and displaying shipping rates for more than a single delivery service for a plurality of carriers.

For example, Claim 33 recites:

- (C) for each particular one of said plurality of carriers:
  - (1) calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications, and
  - (2) calculating a shipping rate that said particular carrier would charge to deliver said particular parcel via a second delivery service according to the origin identifier, the delivery destination identifier, and the set of parcel specifications; and
- (D) displaying, to a display device configured with the client computer device, a simultaneous preview of each shipping rate calculated in Step (C) above.

Similarly, Claim 34 recites:

- (B) identifying a plurality of carriers that would support shipping the respective parcel according to the origin identifier, the delivery destination identifier, and the set of parcel specifications;
- (C) for each particular one of said plurality of carriers:
  - (1) calculating a first service-specific, carrier-specific shipping rate that said particular carrier would charge to deliver said particular parcel via a first delivery service according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and a set of rules for the first delivery service, and
  - (2) calculating a second service-specific, carrier-specific shipping rate that said particular carrier would charge to deliver said



particular parcel via a second delivery service according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and a set of rules for the second delivery service;  
and

(D) displaying, to a display device configured with the client computer device, a simultaneous online comparison comprising each service-specific, carrier specific shipping rate calculated in Step (C) above.

For reasons similar to those give above regarding the rejection of Claim 49, it is respectfully asserted that the Office Action's concession that a simultaneous display as claimed in one way or the other by Claims 33 and 34 is completely absent from the references cited is strong evidence that such a simultaneous display is not obvious. *Cf.*, e.g., *In re Mahurkar Patent Litigation*, 831 F. Supp. 1354, 1374-75, 28 U.S.P.Q.2d (BNA) 1801, 1817 (N.D. Ill. 1993), *aff'd*, 71 F.3d 1573, 37 U.S.P.Q.2d 1138 (Fed. Cir. 1995).

**Issue 8 Argument Regarding the Rejection of Independent Claims 35 and 42 under 35 U.S.C. § 103(a) as Being Unpatentable over Nicholls in View of Kara and Thiel: The References of Record, Including Nicholls, Kara and Thiel, Even When Considered in Combination, Fail to Disclose, Anticipate, Teach or Suggest the Combination of All of the Limitations Recited by Claims 35 and 42 (and Therefore Also Dependent Claim 45) (37 C.F.R. §41.37(c)(1)(vii) subheading)**

As previously mentioned above, the Office Action does not expressly state grounds for the rejection of either independent Claims 33, 34, 35 and 42. See Office Action, Topic Nos. 16-20, pgs. 8-10. The Office Action discusses the Nicholls reference with respect to independent Claims 33, 34, 35 and 42. See Office Action, Topic No. 17, p. 8. Subsequent to the discussion of Nicholls with respect to independent Claims 33, 34, 35, and 42, the Office Action discusses the Kara and Thiel references. See Office Action, Topic Nos. 18-20, pgs. 9-10. For purposes of this Appeal, the discussion in the Office Action concerning the Kara and Thiel references subsequent to the discussion of Nicholls with respect to independent Claims [33, 34,] 35, and 42, is taken to mean that

Claims [33, 34,] 35 and 42 were rejected under Section 103(a) as being unpatentable over Nicholls in view of Kara and Thiel.

The Office Action states that “Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of rates for each carrier that includes rates of different services ....” Office Action, Topic No. 19, p. 9.

In order to compensate for the above-quoted statement of failure by the Office Action of Nicholls and Kara, the Office Action then asserts that: “Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses the computer storing data for the rates of each service for each carrier in one table (Column 11, lines 1-13).” Office Action, Topic No. 19, p. 9. The Office Action further asserts that “Thiel also discloses that the system will walk the user through which service is wanted, however discloses displaying only the final rate for desired service for multiple carriers (Column 11, lines 46-54).” Office Action, Topic No. 19, p. 9.

The Office Action then states that “Nicholls, Kara and Thiel fail to disclose the ‘simultaneous’ display of shipping charges for each service of each carrier.” Office Action, Topic No. 20, p. 9. In a final effort to compensate for the above-quoted statement of failure by the Office Action of Nicholls, Kara and Thiel, the Office Action then asserts that “[i]t would have been obvious to one having ordinary skill in the art ... to display all charges simultaneously.” Office Action, Topic No. 20, p. 9. In an effort to support the asserted obviousness, the Office Action posits that “Thiel even shows all the rates are stored in one table, however, they all require some sort of selection by the user before each charge is displayed.” Office Action, Topic No. 20, p. 9.

The Office Action reasons that “[t]he way something is displayed, is not considered to be patentable over the prior art of record, therefore it would have been obvious ... to display all the calculated rates simultaneously for comparison purposes. It should also be noted that the claims are all drawn to system claims, which are limited to the actual systems and their capabilities, and that what information is actually displayed is considered to be printed matter, and unless the information is used further

in the system, then what is actually displayed is considered non-functional.” Office Action, Topic No. 20, pgs. 9-10.

The reasoning of the Office Action regarding [t]he way something is displayed ...” (Office Action, Topic No. 20, pgs. 9-10) is taken to be a printed matter rejection. However, for the reasons given and the authorities cited below, it is respectfully asserted that a printed matter rejection is misplaced. As the Office Action admits, it is respectfully noted that the rejected claims are directed to computer systems. It is respectfully submitted that computer systems have been well established as being patentable subject matter under 101.

Further, “... when evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered.” Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, (United States Patent and Trademark Office; Official Gazette Notices for November 22, 2005), § II.C (citing Diamond v. Diehr, 450 U.S. 175, 188-89, 209 USPQ 1, 9 (1981) (“In determining the eligibility of respondents’ claimed process for patent protection under Sec. 101, their claims must be considered as a whole. It is inappropriate to dissect the claims into old and new elements and then to ignore the presence of the old elements in the analysis. This is particularly true in a process claim because a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made.”)).

“The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. Gulack, 703 F.2d at 1385. The PTO may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384; see also Diamond v. Diehr, 450 U.S. 175, 191 (1981).” In re Lowry, 32 F.3d 1579, 1582, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994). Further, the In re Lowry court noted “... that Gulack cautioned against a liberal use of ‘printed matter rejections’ under section 103 ... A ‘printed matter rejection’ under [[section]] 103 stands

on questionable legal and logical footing. Standing alone, the description of an element of the invention as printed matter tells nothing about the differences between the invention and the prior art or about whether that invention was suggested by the prior art. . . . [The Court of Customs and Patent Appeals], notably weary of reiterating this point, clearly stated that printed matter may well constitute structural limitations upon which patentability can be predicated." *In re Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034 (quoting *Gulack*, 703 F.2d at 1385 n.8).

It is respectfully asserted, for the reasons previously given above, that the above-quoted citation by the Office Action (*Office Action*, Topic No. 19, p. 9 (citing *Thiel*, col. 11, lines 1-13 (the "*Thiel Table*"))) to the *Thiel* table does not support the assertion by the Office Action that "Thiel discloses ... the computer storing data for the rates of each service for each carrier ...." *Office Action*, Topic No. 19, p. 9.

Further, for reasons similar to those described above with respect to Claim 49 regarding the claimed calculations for more than one delivery service for a carrier and the claimed display, it is respectfully asserted that Claims 35 and 42 are distinguished from the references of record, including *Nicholls*, *Kara* and *Thiel*, even when those references are considered in combination, because Claims 35 and 42 are directed, in one way or another to determining delivery schedules (Claim 35) or delivery dates and times (Claim 42), as the case may be, for more than a single delivery service for a single carrier.

For example, Claim 35 recites:

(C) for each particular one of said plurality of carriers:

(1) determining a first service-specific, carrier-specific delivery schedule according to which said particular carrier would deliver said particular parcel via a first delivery service, said shipping management computer system being configured to determine said first service-specific, carrier-specific delivery schedule according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and at least one service-specific, carrier specific delivery schedule rule associated with said first delivery service, and

(2) determining a second service-specific, carrier-specific delivery schedule according to which said particular carrier would deliver said particular parcel via a second delivery service, said shipping management

computer system being configured to determine said second service-specific, carrier-specific delivery schedule according to the origin identifier, the delivery destination identifier, the set of parcel specifications, and at least one service-specific, carrier-specific delivery schedule rule associated with said second delivery service; and

(D) displaying, to a display device configured with the client computer device, a simultaneous online comparison comprising each service-specific, carrier specific delivery schedule determined in Step (C) above.

Similarly, Claim 42 recites:

(C) displaying to a display device configured with the client computer device, a simultaneous online comparison comprising each respective shipping rate determined in Step (3) above, wherein:

each of said respective shipping rates corresponds to a particular respective service offered by a particular respective carrier for delivering the respective parcel by a particular time on a particular day.

Moreover, it is respectfully submitted that the Office Action fails to cite any reference as disclosing the above-recited limitations of Claims 35 and 42 regarding determining and/or displaying a delivery schedule or a rate corresponding to a particular time on a particular day. See Office Action, Topic Nos. 16-20, pgs 8-10. Accordingly, it is respectfully asserted that the rejection of independent Claims 35 and 42 be reversed and that those Claims be allowed.

**Issue 9 Argument Regarding the Combination of Fisher With Nicholls as a Basis for the Rejection of Independent Claim 36 Under 35 U.S.C. §103(a); The Rejections Do Not Accurately Represent the Claimed Limitations, There is Insufficient Support for Combining Fisher With Nicholls, and Even When Combined, the Cited References Do Not Disclose, Anticipate, Teach or Suggest the Combination of All of the Limitations Claimed by Claim 36 (37 C.F.R. §41.37(c)(1)(vii) subheading)**

In rejecting Claim 36, the Office Action mentions a reference identified in the Office Action only as "Fisher." Office Action, Topic No. 26, p. 12. In a previous Office Action, a reference named "Fisher" was identified as U.S. Patent No. 6,047,264

(“Fisher”). The reference in the present Office Action to “Fisher” is taken to refer, therefore, to U.S. Patent No. 6,047,264.

The rejection of Claim 36 under Section 103(a) as being unpatentable over Nicholls in view of Kara, Thiel and Fisher has been carefully considered. For the reasons given, and the authorities cited, below, Applicant(s) respectfully disagree with the rejection and request that the rejection of Claim 36 be reversed and that Claim 36 be allowed.

First, for reasons similar to those described above with respect to Claim 49, it is respectfully asserted that Claim 36 is distinguished from the cited references because Claim 36 is directed to determining, for each carrier-specific delivery service offered by each carrier, whether the respective carrier-specific delivery service would provide shipping notification for delivering a parcel.

In rejecting Claim 36, the Office Action states that “Nicholls discloses the rates are calculated for carriers with specific delivery requirements such as Proof of Delivery (See Figure 4A) ....” Office Action, Topic No. 26, p. 12.

Applicant(s) respectfully disagree that the above-quoted statement in the Office Action fully reflects the limitations of Claim 36. For example, Claim 36 recites the limitations that “...*for each carrier-specific delivery service offered by each respective carrier of a plurality of carriers*, determine whether the respective carrier-specific delivery service would provide delivery notification for delivering the particular parcel ....” (Emphasis added). Claim 36 further recites the limitations for “...displaying to a display device configured with the client computer device, *an identification of each carrier-specific delivery service* of each respective carrier of the plurality of carriers that would provide the delivery notification service.” (Emphasis added).

Therefore, because the foundation asserted in the Office Action for rejecting Claim 36 does not fully reflect the limitations of Claim 36, Applicant(s) respectfully disagree that the Office Action presents a proper foundation for rejecting Claim 36 under 35 U.S.C. Section 103(a) based on a combination of Fisher and Nicholls, as those requirements are explained in MPEP §706.02(j) and MPEP §2143.

As compared to the above-recited limitations of Claim 36, it is respectfully asserted that the Office Action has not identified any passages in any of the cited references that disclose any variation in carrier-support of Proof of Delivery or any ability to determine such variation in carrier-support of Proof of Delivery. To the contrary, it is respectfully asserted that it appears from FIG. 4A of Nicholls cited by the Office Action that Nicholls, assumes that all carriers provide Proof of Delivery.

Based on Fig. 4A of Nicholls cited in the Office Action as a basis for rejecting Claim 36 (see, e.g., Office Action, Topic No. 26, p. 12), it appears that a user may designate any one of a number of Special Services, such as, for example, Proof of Delivery, and that the Nicholls system will, as a result, calculate a rate that includes any charge for the Special Services designated. Based on Fig. 4A of Nicholls, it therefore appears that Nicholls presumes that all carriers offer each of the listed Special Services, and thus does not teach determining or identifying whether each respective carrier of a plurality of carriers would provide the requested type of delivery notification service for shipping a particular parcel, which is claimed in by independent Claim 36.

Further, it is respectfully asserted that it may be possible for a carrier to provide a Special Service, such as, for example, a Proof of Delivery, without requiring any additional charge. Therefore, in the event a rate were calculated that did not include an extra charge for a Special Service indicated by a user, such as a Proof of Delivery service, such a rate, by itself, would not identify whether the carrier provided the service or did not.

As compared to the apparent assumption by Nicholls that all carriers provide the "Proof of Delivery" service, it is respectfully asserted that, for example, Claim 36 recites limitations that reflect the ability to differentiate between different carrier-specific support for delivery notification. For example, Claim 36 recites the limitations "*...for each carrier-specific delivery service offered by each respective carrier of a plurality of carriers, determine whether the respective carrier-specific delivery service would provide delivery notification for delivering the particular parcel ....*" (Emphasis added).

The Office Action further states that “Nicholls discloses the rates are calculated for carriers with specific delivery requirements such as Proof of Delivery (See Figure 4A), but fails to disclose the specific delivery requirements includes an electronic mail delivery notification.” Office Action, Topic No. 26, p. 12. In order to compensate for the above-quoted statement that “Nicholls ... fails to disclose the specific delivery requirements includes an electronic mail delivery notification ...,” the Office Action states that “Fisher discloses a method for supplying automatic status updates using e-mail (see abstract) ...” and asserts that “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have the proof of delivery of Nicholls be the electronic notification system, as displayed by Fisher ....” Office Action, Topic No. 26, p. 12. The Office Action further asserts that the aforementioned combination “... would have been obvious ... in order to automatically send delivery status messages over e-mail without the aid or need of a human customer service representative [citing Fisher, cols. 1 and 2].” Office Action, Topic No. 26, p. 12.

It is respectfully submitted that the above-quoted characterization by the Office Action regarding automatically sending delivery status messages over email completely misreads the claimed limitations. As opposed to the above-quoted assertions of the Office Action regarding the repeated mention of a carrier’s “specific delivery requirements,” it is respectfully submitted that Claim 36 does not recite any limitation regarding a carrier’s “delivery requirements.” Rather, Claim 36 recites, for example, “... (B) for each of said user client computer devices: (1) receiving, from the user client computer device, a request to ship a particular parcel, said request including a request that a delivery notification service be implemented in association with the shipment of the particular parcel; ....”

Further, as opposed to the above-quoted statement in the Office Action that “Fisher discloses a method for supplying automatic status updates using e-mail ...,” (Office Action, Topic No. 26, p. 12), it is respectfully submitted that the limitations claimed by Claim 36 are not directed to supplying, or in any way providing, automatic status updates using email. Rather, Claim 36 recites limitations, for example, to “...(B)



for each of said user client computer devices: (1) receiving, from the user client computer device, a request to ship a particular parcel, said request including a request that a delivery notification service be implemented in association with the shipment of the particular parcel ..." and then, "... (2) in response to said request:..."

(a) for each carrier-specific delivery service offered by each respective carrier of a plurality of carriers, determine whether the respective carrier-specific delivery service would provide delivery notification for delivering the particular parcel, and

(b) displaying to a display device configured with the client computer device, an identification of each carrier-specific delivery service of each respective carrier of the plurality of carriers that would provide the delivery notification service.

For the foregoing reasons and authorities, it is respectfully asserted that the combination of Fisher with Nicholls, Kara and Thiel asserted in the Office Action is based on an improper foundation that fails to accurately reflect the claimed limitations of Claim 36. Accordingly, it is respectfully asserted that there is an insufficient foundation for rejection of Claim 36 as required under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §706.02(j) and MPEP §2143.

Yet further, for the following reasons and authorities, it is respectfully asserted that the combination of Nicholls and Fisher provide an insufficient foundation for rejection of Claim 36 as required under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §706.02(j) and MPEP §2143.

In order to compensate for the above-quoted statement that "Nicholls ... fails to disclose the specific delivery requirements includes an electronic mail delivery notification ...," (Office Action, Topic No. 26, p. 12), the Office Action states that "Fisher discloses a method for supplying automatic status updates using e-mail (See abstract) ..." and asserts that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have the proof of delivery of Nicholls be the electronic notification system, as displayed by Fisher ...." Office Action, Topic No. 26, p. 12. The Office Action further asserts that the aforementioned combination "... would have been obvious ... in order to automatically send delivery status messages over

email without the aid or need of a human customer service representative [citing Fisher, cols. 1 and 2].” Office Action, Topic No. 26, p. 12.

It is respectfully submitted that there is no disclosure in Fisher of the Fisher carriers themselves providing any type of delivery notification. Rather, in Fisher, as further explained below, it is the Fisher system that interrogates a carrier’s system to determine the status of a customer’s respective shipment; it is the Fisher system that then composes an email messages to the respective customer regarding the status of the customer’s respective shipment.

Fisher discloses a merchant system that tracks shipment status of a customer’s order sent by a particular merchant using a particular carrier to the respective ordering customer. See, e.g., Fisher, Abstract. According to Fisher, the Fisher system interrogates the carrier’s system to determine the shipping status of the respective order. Fisher, col. 2, lines 12 – 18. The Fisher system then composes and sends an email notice to the respective ordering customer regarding their respective order shipment status. Fisher, col. 2, lines 12 – 18.

As compared to a system such as disclosed in Fisher that itself composes a shipment status email message based on a carrier-system interrogation, it is respectfully asserted that Claim 36 recites, for example, limitations for “... displaying to a display device configured with the client computer device, an identification of *each carrier-specific delivery service of each respective carrier of the plurality of carriers that would provide the delivery notification service* [for delivering the particular parcel] ...” (emphasis added). That is, as compared to the Fisher system that itself provides shipment status, Claim 36 is directed to providing a simultaneous identification of various carriers and various delivery services that would provide delivery notification for shipping a particular parcel.

It is therefore respectfully asserted, for the reasons described and authorities cited above, that none of Nicholls, Kara, or Fisher, whether considered alone or in combination with any other reference of record, anticipate, disclose, teach or suggest all of the limitations of the Claim 36 of the present application. Accordingly, it is

respectfully asserted that Claim 36 is non-obvious in view of, and patentable over, the references of record. It is therefore respectfully requested that the rejection of Claim 36 be reversed and that Claim 36 be allowed.

ARGUMENT CONCLUSION

For the above-given reasons and authorities, in view of the above-described distinctions between the disclosures of Nicholls, Kara, Kara II, Fisher, and Thiel on the one hand, and independent Claims 12, 27, 30-31, 33-36, 42, 44 and 49-50, and therefore the Claims dependent on them, namely, dependent Claim 45, it is respectfully requested that the rejection of Claims 12, 27, 30-31, 33-36, 42, 44-45 and 49-50 be reversed and that those Claims be allowed.

Respectfully submitted,

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